

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943
PRINCIPAL: 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. Control Information

Thru: R To: Commander 2/153rd Infantry Regiment Little Rock, AR 71654 Referred By: SAC CID Office: Fort Leonard Wood CID Office (b)(6),(b)(7)(C)	USACRC Number: 0066-2007-CID045-19508-54 MP Report Number: N/A Sub-Installation: MO08500DC Referral Date: 7/17/2007 Suspense Date: 8/31/2007 3-27-08
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The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

2. Offender Identification

Last Name: (b)(6),(b)(7)(C) First Name: Middle Name: Cadency:	Grade: E-5 U.S. Army SSN: (b)(6),(b)(7)(C) Date of Birth:
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3. Referral Information

Commander Decision Date: _____

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
1	Making a False Statement [5M3A]	UCMJ Article 107	2/22/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
2				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

4. Action Taken

- Administrative**
 Non-Adverse Referrals
 Adverse Personnel Actions
- Non-Judicial (Article 15)**
 (see details below)
- Judicial**
 Court Martial or Civilian Criminal Court

Non-Judicial Punishment Authority (select one):

- Summarized
 Company Grade
 Field Grade
 Principal Assistant
- GCMCA Imposed
 General Officer Imposed

Judicial Punishment Authority (select one):

- Summary Court Martial
 Special Court Martial
 Civilian Criminal/Magistrate
- General Court Martial

Jurisdiction:

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. Administrative Actions

Non-Adverse

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adverse

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

6. Administrative Actions (continued)

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

7. Details of Administrative Separation

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

8. Non-Judicial/Judicial Sanctions

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

9. Suspended Sanctions

Were Any Sanctions Suspended? Yes No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

10. Commander's Remarks

(b)(6),(b)(7)(C)

Spoke w/ SGT [redacted] former cdr. He advised no action was taken, and does not foresee any being taken in the future.

11. Commanding Officer

Taken verbally from CPT

(b)(6),(b)(7)(C)

Was a DNA sample collected from the offender? Yes No

Name and Grade:
Signature:
AKO e-Mail Address:

(b)(6),(b)(7)(C)

Signature Date:

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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Fort Leonard Wood CID Office
6th Military Police Group, Building 560, 155 Virginia, Fort Leonard Wood, MO
65473-5830

06 Jul 2007

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI/JOINT -
0066-2007-CID045-19508 - 5H1A / 5M3A

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 JUL 2004, 0001 - 31 AUG 2004, 2359; UNKNOWN LOCATION, NAJAF, IRAQ
2. 22 FEB 2007, 1530 - 01 MAR 2007, 1200; 2805 HIGHWAY 67 SOUTH,
POCAHONTAS, AR 72455

DATE/TIME REPORTED: 22 FEB 2007, 0800

INVESTIGATED BY:

SA (b)(6), (b)(7)(C), (b)(7)(F)
SA
SA
SA

SUBJECT:

1. UNKNOWN-1911858-0066-2007-CID045-I ; [MURDER (UNFOUNDED)] (NFI)
2. (b)(6)(b)(7)(C) SGT; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; 2ND BATTALION, 153RD INFANTRY REGIMENT, LITTLE
ROCK, AR 71654; NG ; [MAKING A FALSE STATEMENT]

VICTIM:

1. U.S. GOVERNMENT; A CO, 2/153RD INFANTRY, 39TH INFANTRY BRIGADE;
[MAKING A FALSE STATEMENT]

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2. UNKNOWN, 1911859-0066-2007-CID045-I ; CIV; IRAQ; MALE; [MURDER (UNFOUNDED)] (NFI)

INVESTIGATIVE SUMMARY:

On 22 Feb 07, This office was notified by the United States Army Criminal Investigation Command (USACIDC), Fort Belvoir, VA, of an alleged murder of an unarmed Iraqi civilian in 2004 which was witnessed by SGT (b)(6),(b)(7)(C) Formerly of 2nd Battalion, 153rd Infantry regiment, Walnut Ridge, AR 72476.

Investigation revealed the allegation made by SGT (b)(6),(b)(7)(C) was false. Interviews of unit personnel disclosed SGT (b)(6),(b)(7)(C) was not in Najaf but had returned to the United States when the incident allegedly occurred and there was no evidence that an unarmed Iraqi civilian was shot by members of SGT (b)(6),(b)(7)(C) unit. Additionally, SGT (b)(6),(b)(7)(C) committed the offense of providing a False Statement when on 22 Feb 07 and 1 Mar 07 he provided statements he knew to be false.

Statutes:

Article 107, UCMJ: False Official Statement

Article 118, UCMJ: Murder (Unfounded)

EXHIBITS:

Attached:

1. Agent's Investigative Report (AIR) of SA (b)(6),(b)(7)(C) 22 Feb 07.
2. Agents Investigative Report (AIR) of SA (b)(6),(b)(7)(C) 5 Mar 07.
3. Statement of MAJ (b)(6),(b)(7)(C) 5 Mar 07.
4. AIR of SA (b)(6),(b)(7)(C) 26 Feb 07.
5. Statement of LTC (b)(6),(b)(7)(C) 2 Feb 07.

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b(6), b(7)(C)

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6. AIR of SA (b)(6),(b)(7)(C) 3 Mar 07.
7. Waiver Certificate and Statement of SGT (b)(6),(b)(7)(C) Mar 07.
8. Waiver Certificate and Statement of CPT (b)(6),(b)(7)(C) 1 Mar 07.
9. Sketches and notes from CPT (b)(6),(b)(7)(C)
10. Non-waiver Certificate of SGT (b)(6),(b)(7)(C)
11. Statement of SSG (b)(6),(b)(7)(C) 2 Mar 07.
12. Statement of MR (b)(6),(b)(7)(C) 2 Mar 07.
13. Canvass Interview Worksheets of Alpha Company 2/153rd Infantry Jonesboro, AR.
14. Statement of SSG (b)(6),(b)(7)(C) 3 Mar 07.
15. Statement of SFC (b)(6),(b)(7)(C) Mar 07.
16. Statement of SPC (b)(6),(b)(7)(C) Mar 07.
17. AIR of SA (b)(6),(b)(7)(C) May 07.
18. Compact Disc containing video located by SA (b)(6),(b)(7)(C)

Not Attached:

None.

The originals of Exhibits 1 through 18, are forwarded with the USACRC copy of this report.

STATUS: This is a final (C) report. Commander's Report of Disciplinary or Administrative Action (DA Form 4833) is pending.

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b(6), b(7)(C)

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Report Prepared By:

Report Approved By:

(b)(6),(b)(7)(C)

Special Agent

(b)(6),(b)(7)(C)

Special Agent in Charge

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA

1- Commander, 6th MP Group (CID), Fort Lewis, WA 98433 (e-mail only)

DEPUTY PROVOST MARSHAL, FLW, MO 65473 //AZTZ-LEC-OP//

COMMANDER, US ARMY GARRISON, FLW, MO 65473

CDR 39th Brigade Combat Team, Little Rock, AR.

1001ST MP BN (CID), Fort Riley, KS

OFFICE OF THE STAFF JUDGE ADVOCATE, FLW, MO 65473

PROVOST MARSHAL'S OFFICE (MP BLOTTER), FLW, MO 65473

PROVOST MARSHAL, FLW, MO 65473

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FILE

4

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b(6), b(7)(C)

BASIS FOR INVESTIGATION: On 22 February, this office was notified by Headquarters, United States Army Criminal Investigation Command (USACIDC), Fort Belvoir, VA, of an alleged murder of an unarmed Iraqi civilian by a former deployed National Guard soldier.

The information provided by USACIDC to this office explained that LTC (b)(6)(b)(7)(C) (b)(6), (b)(7)(C) Task Force Community Based Healthcare Organization-West (CBHCO-W), Fort Sam Houston, TX 78234 (FSHTX), reported he was contacted by SGT (b)(6), (b)(7)(C) CBHCO, Little Rock, AR, who reported he witnessed a soldier murder an unarmed Iraqi man while deployed to Iraq.

About 1530, 22 Feb 07, SA (b)(6), (b)(7)(C) this office, interviewed SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) formerly of 2nd Battalion, 153rd Infantry Regiment, Walnut Ridge, AR 72476, regarding an incident he witnessed while deployed to Iraq. SGT (b)(6), (b)(7)(C) detailed the following: On or about Oct 03, he was activated with the 2nd Bn, 153rd Infantry Regt, to Iraq in support of Operation Enduring/Iraqi Freedom. Upon arrival in Iraq, he was attached to the 1st Cavalry. He witnessed the murder of an Iraqi civilian while he was on a team detailed to clear a building. Two teams were assembled to clear the building. They were given the standing order that "nothing comes out alive", which he assumed to mean "use appropriate force to eliminate a threat". SGT (b)(6), (b)(7)(C) was assigned to the second team. He stated the first team stopped during the clearing process because they encountered an elderly Iraqi man crouched in a corner in one of the rooms. From an adjacent room, SGT (b)(6), (b)(7)(C) heard a SPC in the first team call CPT (b)(6), (b)(7)(C) over the radio for direction as to what to do with the man. CPT (b)(6), (b)(7)(C) answered "Why is he still breathing?" Again the SPC asked CPT (b)(6), (b)(7)(C) for guidance, stating the man was not armed and did not pose a threat to the clearing teams. Again, CPT (b)(6), (b)(7)(C) stated "Why is he still breathing?" The SPC asked a third time, received the same response from CPT (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) heard two shots fired. He entered the room, and saw the man on the floor, with what appeared to be a fatal chest wound. CPT (b)(6), (b)(7)(C) entered the room, threw the SPC against the wall, and threatened him, saying the next time he gives an order that nothing comes out alive, he expects it to be followed. CPT (b)(6), (b)(7)(C) then pulled his sidearm and fired two shots into the head of the elderly man. SGT (b)(6), (b)(7)(C) stated at the time of the incident, everything was happening so fast, and the only concern was the survival of his men and himself. He further stated CPT (b)(6), (b)(7)(C) was probably "in a roid rage". When asked to explain what he meant, he explained earlier in the deployment, he was tasked to provide security for a mission. The group went to several pharmacies where massive amounts of steroids were purchased. SGT (b)(6), (b)(7)(C) stated CPT (b)(6), (b)(7)(C) was in charge of the mission, and paid for it with his own money. Almost the entire group took steroids during the deployment. SGT (b)(6), (b)(7)(C) stated the steroids gave them the strength and intensity needed to accomplish the missions they were expected to accomplish. Instead of kicking in a door, they were able to kick the door off its hinges. Instead of returning fire when engaged, they would attack the source of the threat with no fear. SGT (b)(6), (b)(7)(C) stated he was numb to everything while in Iraq, but now things were different. He felt that the killing of the Iraqi man was cold

(b)(6), (b)(7)(C), (b)(7)(F)

Fort Leonard Wood CID Office
78th MP Det (CID), 1001st MP Bn (CID)
Fort Leonard Wood, MO 65473

Date:
22 Feb 07

Exhibit:

CID Form 94

blooded murder ordered by a superior officer. He spoke with the SPC about 5 times since returning to the states, and the only thing they talked about was the incident where the man was killed. SGT (b)(6)(b)(7)(C) stated the SPC was afraid he would go to jail or be dishonorably discharged if he did not kill the man when ordered to do so by CPT (b)(6), (b)(7)(C). SGT (b)(6), (b)(7)(C) felt the SPC now realized that it was wrong, but reacted the way he did due to the steroids and the intensity of the situation they were in. SGT (b)(6), (b)(7)(C) stated the incident occurred at or near Najaf, Iraq in Jul or Aug 04. SA (b)(6), (b)(7)(C) asked SGT (b)(6), (b)(7)(C) if there were any other incidents in Iraq he thought were unlawful. SGT (b)(6), (b)(7)(C) described several occasions when the U.S. Army Special Forces killed detainees during interrogations. SGT (b)(6), (b)(7)(C) explained when he was staying in a compound in or near Aramia, Iraq, he was tasked to guard the SF tent during interrogations of detainees, in order to ensure no one entered the tent. On several occasions, he heard shots fired, then the lifeless bodies of the detainees were brought out of the tents. Their hands were still bound behind them in flex cuffs. The SF soldiers told the guards to cut off the flex cuffs, then call the Iraqi Police to remove the bodies from the area. When the Iraqi Police questioned why the detainees were shot, the SF soldiers reported "he went for my gun". When the IPs questioned the number of times this occurred, the guards were directed to no longer call the IPs, but throw the bodies in the river. SGT (b)(6), (b)(7)(C) stated he reported both the death of the elderly Iraqi man and the killing of the detainees through the NCO support channel, but he was told it would be taken care of. He further stated he reported both incidents to mental health professionals and chaplains, but no action was ever taken to his knowledge. SGT (b)(6), (b)(7)(C) stated he knew a lot of "bad things happened" during his deployment, but "what CPT (b)(6), (b)(7)(C) did was murder". SGT (b)(6), (b)(7)(C) did not know who he could trust with this information, as he only reported a hypothetical situation to MSG (b)(6), (b)(7)(C) and now he fears his family is in danger. He has been threatened by CPT (b)(6), (b)(7)(C) on at least two occasions. The first was several months ago, when CPT (b)(6), (b)(7)(C) requested he meet him after duty hours at the armory in Walnut Ridge, AR. He stated CPT (b)(6), (b)(7)(C) told him the truth didn't matter. He told him they all had too much to lose, and CPT (b)(6), (b)(7)(C) was not going to let this ruin 17 years in the Army. He further told him he could take care of him as long as he would cooperate. SGT (b)(6), (b)(7)(C) stated the others who knew about the incident were given awards and promotions to ensure they did not report the incident. SGT (b)(6), (b)(7)(C) further stated after he told MSG (b)(6), (b)(7)(C) about a hypothetical situation, he knew he shouldn't have trusted him and expected he would be contacted by CPT (b)(6), (b)(7)(C). About 2119, 20 Feb 07, CPT (b)(6), (b)(7)(C) reportedly called SGT (b)(6), (b)(7)(C) at home and told him he would get through a 15-6 investigation because no one would believe SGT (b)(6), (b)(7)(C) but he wasn't going to let SGT (b)(6), (b)(7)(C) get away with reporting it if it came out. SGT (b)(6), (b)(7)(C) took that as a threat, and explained he did not know what CPT (b)(6), (b)(7)(C) was capable of. SA (b)(6), (b)(7)(C) observed the caller ID of SGT (b)(6), (b)(7)(C) phone, which displayed the number from which CPT (b)(6), (b)(7)(C) called at approximately 2119, 20 Feb 07, as (b)(6), (b)(7)(C) CON(STRUCTION)... (b)(6), (b)(7)(C). SGT (b)(6), (b)(7)(C) terminated the interview at approx 1730, 22 Feb 07, and stated he needed to discuss some issues with his wife before he continued with the investigative process. He

(b)(6), (b)(7)(C), (b)(7)(F)

Fort Leonard Wood CID Office
78th MP Det (CID), 1001st MP Bn (CID)
Fort Leonard Wood, MO 65473

Date: 22 Feb 07
Exhibit: 1

CID Form 94

declined to provide a written statement at this time, but stated he would notify SA (b)(6)(b)(7)(C) when he was prepared to continue the interview.

About 1830, 22 Feb 07, SGT (b)(6), (b)(7)(C) contacted SA (b)(6), (b)(7)(C) to report he would meet to continue the interview.

About 1945, 22 Feb 07, SGT (b)(6), (b)(7)(C) met SA (b)(6), (b)(7)(C) at the Day's Inn, Pocahontas, AR 72455, where he explained he would not make a written or recorded statement to this office unless he received documentation granting immunity to he and his fellow soldiers. He stated he would rather he have to live with a heavy conscience the rest of his life, than see one of the men he owed his life dishonorably discharged for misconduct. He stated he would cooperate no further if it involved making any more statements which incriminated any of his fellow soldiers. He further stated he felt the best way for this office to get proof of the unlawful orders and misconduct by CPT (b)(6), (b)(7)(C) would be to record a conversation between SGT (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C). He stated he knew CPT (b)(6), (b)(7)(C) would speak freely about the incident if SGT (b)(6), (b)(7)(C) offered to make a deal with him in exchange for SGT (b)(6), (b)(7)(C) not reporting the incident to CID. SGT (b)(6), (b)(7)(C) terminated the interview, stating he would cooperate with this office, as long as it did not involve him making any further statements.

AGENT'S COMMENT: During both interviews, SGT (b)(6), (b)(7)(C) was very reluctant to provide any details. He reported he didn't know who he could trust, but he had to tell someone because he couldn't live with himself. He further stated he had contemplated suicide on many occasions since his return from Iraq, but he was undergoing counseling and was on medication to treat severe depression and Post Traumatic Stress Disorder. SGT (b)(6), (b)(7)(C) became very emotional several times during both interviews. He often cried, and was unable to continue for several minutes each time. SGT (b)(6), (b)(7)(C) would not provide any names, as he feared the individuals would be inappropriately punished for actions that were beyond their control.
///LAST ENTRY///

fu (b)(6), (b)(7)(C), (b)(7)(F)	Fort Leonard Wood CID Office	
	78 th MP Det (CID), 1001 st MP Bn (CID)	
Fort Leonard Wood, MO 65473		
Date:	Exhibit:	
22 Feb 07	1	

CID Form 94

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~~LAW ENFORCEMENT SENSITIVE~~

AGENT'S INVESTIGATIVE REPORT <i>CID Regulation 195-1</i>	ROI NUMBER	0080-07-CID022 0066-07-CID045-51809
	PAGE 1 OF 1 PAGES	

DETAILS

BASIS FOR INVESTIGATION: About 1200, 5 Mar 07, this office received a Request for Assistance (0066-07-CID045-51809), from the Fort Leonard Wood Resident Agency, 1001st MP Battalion (CID), 560 Virginia Street, Fort Leonard Wood, MO 65473, to locate, fully identify, and obtain a sworn statement from MAJ (b)(6)(b)(7)(C) HHC, Army Logistics Management College, Fort Lee, VA 23801-3801, reference to his knowledge of the death of an unarmed Iraqi civilian in Aug 04.

DETAILS:

About 1315, 5 Mar 07, SA (b)(6), (b)(7)(C) interviewed MAJ (b)(6), (b)(7)(C) (HHC, U.S. Army Infantry Center, Fort Benning, GA) who provided a sworn statement relating that he gave two formal briefings covering the rules of engagement (ROE), while he was the company commander of C 2-7 Cav, 1st Cavalry Division, Fort Hood, TX, and deployed to Iraq. MAJ (b)(6), (b)(7)(C) related changes to the ROE would also be put out by their BN HQ over the radio. MAJ (b)(6), (b)(7)(C) relates changes to the ROE occurred on average every two or three days and gave multiple factors that would influence these changes. MAJ (b)(6), (b)(7)(C) related that at no time did he brief the ROE to indicate that the local people were to be considered hostile, regardless of whether or not they had weapons. MAJ (b)(6), (b)(7)(C) also stated he did not remember ever hearing guidance to that effect from anyone else either. MAJ (b)(6), (b)(7)(C) related he did not remember the shooting in question, but related that while on the campaign in Najaf, Iraq, there was about a two week period during which there were dozens of enemy engagements each day and it was possible this incident was one of these engagements. (See Sworn Statement for details) /// LAST ENTRY ///

TYPED AGENT'S NAME AND SEQUENCE NUMBER (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION Fort Lee Resident Agency, CID Fort Lee, VA 23801	
SIGNATURE	DATE 5 Mar 07	EXHIBIT EXHIBIT	

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SWORN STATEMENT

For use of this form, see AR 190-45: The proponent age (b)(6), (b)(7)(C) Deputy Chief of Staff for Personnel.

LOCATION Fort Lee Resident Agency (CID)	DATE 5 Mar 07	TIME 520	FILE NUMBER (b)(6), (b)(7)(C) 0080-01-05022
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	CITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS O-4 / AD

ORGANIZATION OR ADDRESS
HHC, U.S. Army Infantry Center, Fort Lee, VA 23801

I, (b)(6), (b)(7)(C) want to make the following statement under oath:

In March 2004 I deployed as the company commander of C 2-7 Cav, 1st Cavalry Division, Fort Hood, TX. We started out at Camp Cook (Taji) and we went to FOB Duke (USMC) somewhere in the first 10 days of August. We stayed there less than 72 hours before we went on the Najaf Campaign, where we were opcon to the 11th Marine Expeditionary Unit, for the purpose of helping to subdue an uprising in that area. This operation lasted for about two weeks, then we had a cool down period of less than a week at FOB Duke. While we were on the campaign there were literally dozens of engagements with insurgents each day. At the end of each engagement, a SPOT report was sent up to our battalion which provided the location of the engagement, the types of weapons and/or equipment and the number and type of enemy engaged. I do not remember an incident involving SPC (b)(6), (b)(7)(C) or CPT (b)(6), (b)(7)(C) But it is possible that this could have occurred during this time and would have been reported up as one of the days enemy engagements. Prior to our convoy to FOB Duke I received a briefing on the Rules of Engagement (ROE) for our upcoming convoy to FOB DUKE, which was more restrictive. I was the serial commander and I gave this briefing to all the personnel in my serial. I also gave a second ROE briefing prior to our departure from FOB Duke to go on the campaign to Najaf. This briefing was given by me to our entire company, but it was a regurgitation of our standing BN operation order.

Q. Do you have copies of the ROE from either of these briefings?

A. No. These were classified secret and were destroyed.

Q. Did you or anyone else ever provide an ROE briefing that stated the city of Najaf had been given fair warning and were now considered hostile enemy combatants, without regards to whether they were armed or not?

A. No, I never provided a briefing to that effect. During the height of the campaign in Najaf things became pretty intense. I don't remember hearing this, but it is possible that it was put out over the radio that for our own protection to consider any personnel encountered as hostile combatants. But if that happened it was for a short time only and this was not put out in a formal ROE briefing and it was not put out by me. Also, at no time did I ever put out, or hear anyone else put out, anything stating there were considered hostile whether they were armed or not.

Q. How often did the ROE change during the Najaf campaign?

A. On average, every two or three days.

Q. What caused these changes to the ROE?

A. This was based on what the status of our objectives were, such as what we had just done, what happened as a result of it and/or what we were about to do next. Civilians we knew or anticipated being on the battlefield. Political and/or religious dignitaries in the area. Proximity to religious and/or historical sites. Also a cease in hostilities to us. So there were many factors which made the ROE fluctuate.

Q. You related you gave two ROE briefings, but that there were changes to the ROE every two or three days. If you didn't put out these changes to the ROE, who did?

A. I gave two formal briefings. Generally the changes to the ROE would come down from various personnel at the BN level, these changes would usually be regurgitated by our Company XO, 1LT (b)(6), (b)(7)(C) who would relay the information to each platoon leader or platoon sergeant. At least once I relayed a change to the ROE myself over the company net.

Q. Other than from yourself or over the net, would anyone else have provided an ROE briefing?

A. No.

Q. What happened after the Najaf campaign

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

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0080-07-CID022

(b)(6)(b)(7)(C)

Statement of (b)(6), (b)(7)(C) ~~LAW ENFORCEMENT SENSITIVE~~ on 5-Mar-07, Continued:

A. Right at the end of the month of August or very beginning of September, I did a change of command with CPT (b)(6), (b)(7)(C). It took a couple weeks to inventory everything I was signed for because it was at a few different locations. As soon as we inventoried everything I went home on mid-tour leave. When I got back from leave I was a brigade planner for 3rd Brigade, 1st Cavalry Division.

Q. Do you know where 1LT (b)(6), (b)(7)(C) is now?

A. He got out of the Army, he lives in (b)(6), (b)(7)(C). I don't have any current contact information for him, but that's near his hometown of (b)(6), (b)(7)(C).

Q. Do you know where CPT (b)(6), (b)(7)(C) is now?

A. I think he went to the Old Guard at Fort Meyer.

Q. Do you know of anyone else who may have knowledge of the ROE for this time frame?

A. The best person I could refer you to is CPT (b)(6), (b)(7)(C). He was the assistant S-3 and he produced a lot of the orders were the ROE would have been obtained from. He's currently a commander for 1-12 Cav, 3rd Brigade, 1st Cavalry Division, Baquba, Iraq.

Q. Is there anything else you can tell me about SPC (b)(6), (b)(7)(C)?

A. I remember him, he was attached to me as part of CPT (b)(6), (b)(7)(C) platoon, which was a National Guard unit, the 39th Enhanced Separate Brigade, out of Arkansas. They were under me for about 4 months and from what I saw he was a good soldier. I have nothing bad to say about him at all.

Q. Is there anything you can tell me about CPT (b)(6), (b)(7)(C)?

A. He was either a senior LT or a freshly pinned CPT at that time. He was my best officer under me and one of the best officers in the BN. He was very proficient tactically.

Q. Did CPT (b)(6), (b)(7)(C) ever have any integrity issues?

A. No, actually the opposite. He butted heads with a few people, to include other officers, where he would maintain his standards operationally. If he thought something was wrong he would stand up and question it and wouldn't wilt regardless of who it was. I really liked and admired him because of his traits and qualities and how good a job he and his platoon sergeant had done with their platoon.

Q. Is there anything you can tell me about SGT (b)(6), (b)(7)(C)?

A. I'm not 100% sure I'm thinking of the right guy, but if it is, he is the guy that was in the same platoon as CPT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C). This guy was the butt of a lot of jokes from his peers as far as his reputation for being lazy and always being gone when the big engagements would occur. I got the feeling from CPT (b)(6), (b)(7)(C) that SGT (b)(6), (b)(7)(C) just wasn't measuring up the way he should. I thought there was some tension between the two, but I never saw any specific incidents between the two.

Q. Can you describe SGT (b)(6), (b)(7)(C) that you are speaking of?

A. He's a white male, about 5'9"-5'10", medium build, dark hair eyes and skin, in his early 40's. He may have worn glasses but I'm not sure. I don't remember any scars or tattoos.

Q. Is this statement true?

A. Yes.

Q. Did you review it and were you able to make any necessary corrections?

A. Yes.

Q. Do you have anything further to add to this statement?

A. No. /// END OF STATEMENT ///

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT
~~FOR OFFICIAL USE ONLY~~

PAGE 2 OF 3 PAGES

~~LAW ENFORCEMENT SENSITIVE~~

LAW ENFORCEMENT SENSITIVE

(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.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 5 DAY OF Mar, 2007 AT FORT LEE RESIDENT AGENCY (CID) FORT LEE, VA 22001-1500

(b)(6), (b)(7)(C)

(Signature of Person Administering Oath)

SA (b)(6), (b)(7)(C)

(Name of Person Administering Oath)

UCMJ: Article 136

(Authority to Administer Oath)

I STATEMENT

PAGE 3 OF 3 PAGES

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AGENT'S INVESTIGATION REPORT

0062-07-CID044-

CID Regulation 195-1

Page 1 of 1

Details:

About 0850, 22 Feb 07, this office received a Request for Assistance (RFA) from the Fort Leonard Wood Resident Agency, 6th Military Police Group CID, USACIDC Building, 1907, Fort Leonard Wood, MO 65473-5830, to locate and interview LTC (b)(6), (b)(7)(C) Task Force Community Based Health Care Organization-West, Fort Sam Houston, TX 78234 concerning a conversation he had with SGT (b)(6), (b)(7)(C) (NFI) about the killing of an unarmed Iraqi civilian.

About 1109, 22 Feb 07, SA (b)(6), (b)(7)(C) interviewed LTC (b)(6), (b)(7)(C) who rendered a sworn statement detailing his conversation with SGT (b)(6), (b)(7)(C) concerning the killing of an unarmed Iraqi civilian while SGT (b)(6), (b)(7)(C) was deployed to Iraq. (See Sworn Statement for details)

About 0925, 26 Feb 07, SA (b)(6), (b)(7)(C) coordinated with SA (b)(6), (b)(7)(C) Fort Leonard Wood Resident Agency, Fort Leonard Wood, MO 65473 and briefed him on the investigative activity conducted by this office.///Last Entry///

(b)(6), (b)(7)(C), (b)(7)(F)

FORT SAM HOUSTON CID OFFICE
1490 WILSON STREET, BUILDING 268
FORT SAM HOUSTON, TX 78234

Date:
26 Feb 07

Exhibit:

CID Form 94

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SWORN STATEMENT

File Number: 0062-2007-CID044-

Location : Fort Sam Houston, Texas

Date : 22 February 2007

Time: 1109

Statement Of: [REDACTED]

SSN : [REDACTED]

Grade/Status: O-5/ NG

Org/Address: Task Force Community Based Health Care Organization-West, Fort Sam Houston, TX 78234

[REDACTED]

[REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT

UNDER OATH: At approximately 1200 hours on 21 February 07, I was notified by my commander, COL [REDACTED] that the commander of the Arkansas Community Based Health Care Organization (AR CBHCO), LTC [REDACTED] wanted to talk with me regarding a soldier issue. I called LTC [REDACTED] and she told me that one of her Soldiers, SGT [REDACTED] had reported to his Platoon Sergeant, MSG [REDACTED] that while he was stationed in Iraq, had been a witness to the murder of an Iraqi civilian by a US Army Officer, LT [REDACTED] SGT [REDACTED] the officer, and other potential witnesses are all members of the Arkansas National Guard. SGT [REDACTED] had made the comment to MSG [REDACTED] on 20 February 07. That same evening SGT [REDACTED] received a threatening phone call from (now) CPT [REDACTED] SGT [REDACTED] felt that someone in the CBHCO had informed CPT [REDACTED] about his comments and he was now worried that he and his family were in danger. I contacted MSG [REDACTED] and obtained SGT [REDACTED] phone number. I then called SGT [REDACTED] and we spoke for some time about the situation. He told me that while he was stationed in Iraq his squad was told to clear a building. When they had completed the task they radioed to their LT that they had one Iraqi civilian in one of the rooms. The LT radioed back and asked "Why is he still breathing?" They responded that he was unarmed, and not a threat. The LT responded again with the same question, "Why is he still breathing?" The same response was given by the radio operator and they were told to shoot the man. A specialist then fired two shots into the man's chest from a distance of six to seven feet. At that point the LT burst into the room, threw the SPC up against the wall and told him that the next time "he was ordered to kill somebody, he better do it." The man was still "twitching" when the LT turned to him, so he pulled his own pistol and shot the man twice in the head. SGT [REDACTED] says he reported the incident up his NCO chain, but was told not to worry about it. He reported it to a chaplain, but was again told not to worry about it. He was told the same by his mental health counselors. SGT [REDACTED] says that the E-4 is now a sergeant E-5 on a border patrol mission, but that whenever he sees him all he wants to talk about was this incident. SGT [REDACTED] feels that it is tearing the Soldier apart. Some months ago CPT [REDACTED] contacted SGT [REDACTED] and told him to meet him at the local armory, after normal duty hours. They met approximately 1930hours and stayed until almost midnight. SGT [REDACTED] says he was threatened by the officer and was told that the officer could "take care of him" if he would cooperate, and that all the others who new about the incident had already been promoted to keep them quiet. When CPT [REDACTED] called the night of 20 February he reiterated that he could get SGT [REDACTED] whatever he wanted, but that he had 17 years of service and was not going to let SGT [REDACTED]

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 1 OF 5 PAGES

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SWORN STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT THE FORT SAM HOUSTON, TEXAS 22 February 2007. CONTINUED

destroy his career or his family and while he did not actually threaten to harm SGT (b)(6), (b)(7)(C) he implied that he and his family would pay if information about the incident came out. He told SGT (b)(6), (b)(7)(C) that a 15-6 had been initiated on him (CPT (b)(6), (b)(7)(C) but that he could take care of that, but that SGT (b)(6), (b)(7)(C) had better keep quiet. SGT (b)(6), (b)(7)(C) expressed grave concern for his family and wanted to be assured that they would be protected if he came forward. I told him that I could not make any promises, but that I would contact CID and they would work with him. He also said that he did not think anything would happen to CPT (b)(6), (b)(7)(C) because it appeared that he had contacts throughout the Guard and new everything that was going on. He pointed out that he had told this to only one person about the incident, MSG (b)(6), (b)(7)(C) and that same night CPT (b)(6), (b)(7)(C) called, told him that he was good friends with LTC (b)(6), (b)(7)(C) spoke with her on a daily basis, and implied that she had told him about SGT (b)(6), (b)(7)(C) comments to MSG (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) said that the incident involving the murder of the Iraqi civilian was not the only time he felt members of his unit killed unarmed Iraqis. He said that in his compound there was a tent where they kept detainees. Close by was a Special Forces unit. In the evenings "officers" would come to the tent, remove a detainee and take him to another tent. A short time later there would be a couple of shots, and a body would be thrown from the tent. The NCOs were then told to cut the flex cuffs of the body and call the local police to pick up the body. When the police asked why he had been shot, the standard answer was that "he went for a gun," even though everyone knew he was cuffed the whole time. Eventually the local police refused to pick up the bodies, and they began throwing them in the river. SGT (b)(6), (b)(7)(C) says he knows he needs to come forward but that he is afraid for his family, and he does not want anything to happen to the specialist who also shot the civilian. SGT (b)(6), (b)(7)(C) feels that the Soldier knows that what he did was wrong, but that he was under pressure from the LT to kill the man, and that if he did not follow orders he would "go to Leavenworth." I asked SGT (b)(6), (b)(7)(C) to write down everything he could recall regarding these incidents in Iraq and back in Arkansas, and call me on 22 February to tell me what he wanted to do, in the mean time I would contact CID and see what they could do for him. He agreed to prepare the statement and call me today. I then contacted the Ft Sam Houston CID to report the matter. A short time later Agent (b)(6), (b)(7)(C) came by my office and discussed the matter. I contacted SGT (b)(6), (b)(7)(C) again and told him that Agent (b)(6), (b)(7)(C) wanted to speak with him and asked for his permission to provide CID with his name and phone number. SGT (b)(6), (b)(7)(C) agreed and said he would be home approximately 1600 hours and could talk then. I gave the information to Agent (b)(6), (b)(7)(C) About 1625 I received a call from Agent (b)(6), (b)(7)(C) informing me that he had not called SGT (b)(6), (b)(7)(C) but that someone would be in touch with him. I then called SGT (b)(6), (b)(7)(C) to let him know that the call from CID would be delayed, but that they would call, and that I would contact him today to see that everything was all right. I briefed COL (b)(6), (b)(7)(C) on the situation and she contacted the Great Plains Regional Medical Command (GPRMC) Chief of Staff, COL (b)(6), (b)(7)(C) to inform him of the events. COL (b)(6), (b)(7)(C) asked for a written executive summary, which I provided the evening of 21 Feb. (b)(6), (b)(7)(C)

Q. SA (b)(6), (b)(7)(C)
A. LTC (b)(6), (b)(7)(C)

EXHIBIT _____ INITIALS: (b)(6), (b)(7)(C) PAGE 2 OF 5 PAGES

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0062-07-020044

SWORN STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT THE
FORT SAM HOUSTON, TEXAS 22 February 2007. CONTINUED

Q. Do you know the unit SGT (b)(6), (b)(7)(C) was in when the incidents occurred in Iraq?

A. I do not (b)(6), (b)(7)(C)

Q. Did SGT (b)(6), (b)(7)(C) tell you when the incidents occurred?

A. No, when I asked him he could not give me an exact date but that he had notes written down of the approximate time frame. (b)(6), (b)(7)(C)

Q. Do you know how long SGT (b)(6), (b)(7)(C) has been back from Iraq?

A. I think a couple of years, 2 years that is my estimate, based on the fact that he joined the Medial Retention Processing Orders were dated 28 Jul 05. (b)(6), (b)(7)(C)

Q. When you mention the LT in your statement are you talking about CPT (b)(6), (b)(7)(C)

A. Yes, the LT in Iraq is now a CPT. (b)(6), (b)(7)(C)

Q. Did SGT (b)(6), (b)(7)(C) tell you the name of the Specialist, now a Sergeant, who initially shot the civilian?

A. He would not tell me his name but that he was now on the U.S. border with Mexico with another unit. (b)(6), (b)(7)(C)

Q. Did SGT (b)(6), (b)(7)(C) say what happened to the body of the Iraqi man the Specialist and CPT (b)(6), (b)(7)(C) shot?

A. No, all he would say was that there is not a body to be found. (b)(6), (b)(7)(C)

Q. Have you spoken with LTC (b)(6), (b)(7)(C) to see if she knows CPT (b)(6), (b)(7)(C)

A. Yes, she stated she does not know him and has not spoken with him concerning this matter. LTC (b)(6), (b)(7)(C) thinks that CPT (b)(6), (b)(7)(C) has her confused with her brother who is also a LTC in the Arkansas National Guard. (b)(6), (b)(7)(C)

Q. Do you know LTC (b)(6), (b)(7)(C) unit?

A. She is the Commander of the Arkansas CBHCO. (b)(6), (b)(7)(C)

Q. Do you know where LTC (b)(6), (b)(7)(C) is located in Arkansas?

A. Camp Robinson, North Little Rock, Arkansas. (b)(6), (b)(7)(C)

Q. Do you know what unit CPT (b)(6), (b)(7)(C) is in?

A. No, But I think he drills in the Armory in Walnut Ridge, Arkansas. (b)(6), (b)(7)(C)

Q. Have you spoken with CPT (b)(6), (b)(7)(C)

A. I have not. (b)(6), (b)(7)(C)

Q. Did SGT (b)(6), (b)(7)(C) tell you what Special Forces Unit it was that was shooting detainees?

A. No. (b)(6), (b)(7)(C)

Q. Did SGT (b)(6), (b)(7)(C) say where he was stationed at with the Special Forces?

A. No. (b)(6), (b)(7)(C)

Q. Did SGT (b)(6), (b)(7)(C) say how many detainees the Special Forces shot?

A. He only told me that after 7 or 8 times the Iraqi Police stopped coming and that is when they started dumping the bodies in the river. (b)(6), (b)(7)(C)

Q. Did SGT (b)(6), (b)(7)(C) say what river the bodies were dumped in?

A. No. (b)(6), (b)(7)(C)

Q. Did SGT (b)(6), (b)(7)(C) say who dumped the bodies in the river?

A. No. (b)(6), (b)(7)(C)

Q. Did SGT (b)(6), (b)(7)(C) say if he actually observed the detainees being shot?

EXHIBIT _____

INITIALS: _____

(b)(6), (b)(7)(C)

PAGE 3 OF 5 PAGES

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SWORN STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT THE FORT SAM HOUSTON, TEXAS 22 February 2007. CONTINUED

A. No, he stated he say the detainees being taken from one tent to the other, hearing the shots and seeing the bodies thrown out of the tent and being told to cut the cuffs off of the detainees.

Q. Did SGT (b)(6), (b)(7)(C) report these incidents of the detainees being shot by Special Forces to anyone?

A. He stated he reported it through his NCO Chain, but he did not give me any names.

Q. Did SGT (b)(6), (b)(7)(C) provide you with any information that could identify the location where the Iraqi civilian was shot at?

A. No.

Q. Where is SGT (b)(6), (b)(7)(C) stationed at currently?

A. Walnut Ridge, Arkansas.

Q. Did SGT (b)(6), (b)(7)(C) say if CPT (b)(6), (b)(7)(C) told him why the 15-6 investigation was initiated?

A. No, but he stated that he felt CPT (b)(6), (b)(7)(C) thought it was because he had been talking.

Q. Did SGT (b)(6), (b)(7)(C) say who the Chaplin was that he told this to?

A. He did not.

Q. Did SGT (b)(6), (b)(7)(C) say who his mental health counselors were?

A. No.

Q. Do you know MSG (b)(6), (b)(7)(C) first name?

A. (b)(6), (b)(7)(C)

Q. Do you have a phone number for MSG (b)(6), (b)(7)(C)

A. Yes, his cell number is (b)(6), (b)(7)(C) office (b)(6), (b)(7)(C)

Q. Do you have a phone number for LTC (b)(6), (b)(7)(C)

A. Yes, her cell phone number is (b)(6), (b)(7)(C) office: (b)(6), (b)(7)(C)

Q. Do you have SGT (b)(6), (b)(7)(C) phone number?

A. Yes, home is (b)(6), (b)(7)(C) he lives in (b)(6), (b)(7)(C)

Q. Do you know of anyone else SGT (b)(6), (b)(7)(C) has spoken with concerning this?

A. No one else.

Q. What is SGT (b)(6), (b)(7)(C) being treated for?

A. A Shoulder injury, back pain and post traumatic stress disorder.

Q. Is there anything else you wish to add to your statement?

No. ///End of Statement/// (b)(6), (b)(7)(C)

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SWORN STATEMENT OF ^{(b)(6)(b)(7)(C)} [REDACTED] TAKEN AT THE FORT SAM HOUSTON, TEXAS 22 February 2007. CONTINUED

AFFIDAVIT

I, ^{(b)(6), (b)(7)(C)} [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. 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)(6), (b)(7)(C)} [REDACTED]

Subscribed and sworn to before me, a person authorized by law to administer oaths, on 22 February 2007 at Fort Sam Houston, Texas.

^{(b)(6), (b)(7)(C)} [REDACTED]

(Signature of Person Administering Oath)

SA ^{(b)(6), (b)(7)(C), (b)(7)(F)} [REDACTED]

(Typed Name of Person Administering Oath)

10 USC 936

(Authority To Administer Oaths)

EXHIBIT _____

INITIALS: ^{(b)(6), (b)(7)(C)} [REDACTED]

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AGENT'S INVESTIGATION REPORT

0066-07-CID045-19508

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About 1720, 25 Feb 07, SA (b)(6)(b)(7)(C) and SA (b)(6), (b)(7)(C) 1001st MP BN (CID), Fort Riley, KS 66442 interviewed SGT (b)(6), (b)(7)(C) Community Based Health Care Organization, Little Rock, AR, regarding his knowledge of the murder of an Iraqi civilian in Najaf, Iraq. SGT (b)(6), (b)(7)(C) described an incident which took place while he and other unidentified members of his unit cleared an apartment building in Najaf, Iraq. SGT (b)(6), (b)(7)(C) stated he overheard radio traffic wherein an unidentified member of his unit reported to CPT (b)(6), (b)(7)(C) Platoon Leader, (b)(6), (b)(7)(C) A Co, 2/153rd INF, 39th IBCT, 3105 South Main, Searcy, AR 72143, that an unarmed elderly Iraqi male was in one of the rooms. SGT (b)(6), (b)(7)(C) stated he heard CPT (b)(6), (b)(7)(C) ask three separate times "Why is he still breathing?", and the person who found him shot him twice. SGT (b)(6), (b)(7)(C) stated CPT (b)(6), (b)(7)(C) then entered the room, pushed the unidentified soldier against the wall, and stated "the next time I tell you to kill someone, kill them" and he then shot the Iraqi man in the head. SGT (b)(6), (b)(7)(C) detailed several missions he took part in and witnessed, while serving in Iraq, to include an incident where he was the only soldier to identify an IED along the roadside, an incident where he was ordered by an unknown individual to inspect a box which was identified to contain an IED, and an incident where he was ordered to crawl over a burn to pull wires out of the back of a suspected IED to disable the device. He further explained he was directed to serve as a sniper on the roof of a bank, where he came under fire by Iraqi Police personnel. SGT (b)(6), (b)(7)(C) further detailed an incident where he exposed a large weapons cache after single-handedly interrogating an Iraqi farmer, and searching his outbuildings. Lastly, SGT (b)(6), (b)(7)(C) detailed a 2-3 day mission wherein he conducted surveillance for an attack helicopter, which went by the call sign "Reaper 6", wherein the helicopter eliminated several personnel and vehicles allegedly making a weapons transaction. SGT (b)(6), (b)(7)(C) explained he also thought Special Forces personnel he was co-located with murdered detainees that were bound with flex cuffs, then he or the other guards were ordered to cut the cuffs off, and notify the Iraqi Police to pick up the bodies. After the Iraqi Police became suspicious due to the number of deaths, SGT (b)(6), (b)(7)(C) and others were directed to throw the bodies into the river. SGT (b)(6), (b)(7)(C) declined to provide a written statement at this time or provide the names of other members of the platoon until he was assured they would not be prosecuted for the offenses.

AGENT'S COMMENT: SA (b)(6), (b)(7)(C) conducted a search for a video clip which resembled the mission SGT (b)(6), (b)(7)(C) described, where the attack helicopter was involved in eliminating several personnel. SA (b)(6), (b)(7)(C) identified a video clip that matched, and was known to be widely distributed over the internet. The video was placed on a compact disc and posted to the case file. (See video compact disc for details)

SA (b)(6), (b)(7)(C) 1001st MP BN (CID)
Fort Riley, KS 66442

Signature: (b)(6), (b)(7)(C) Date: Exhibit:
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About 0930, 26 Feb 07, SA (b)(6)(b)(7)(C) coordination with SA (b)(6), (b)(7)(C) Federal Bureau of Investigation, 2400 East Highland, Jonesboro, AR 72402, and provided all of the information concerning the alleged incident. SA (b)(6), (b)(7)(C) stated the FBI was willing to conduct a technical listening operation; however, they needed to discuss with their supervisors. SA (b)(6), (b)(7)(C) stated he had concerns as to why the Army was unable to conduct the operation without their assistance. SA (b)(6), (b)(7)(C) stated they would conduct an interview jointly with this office of SGT (b)(6), (b)(7)(C) on 28 Feb 07.

About 1600, 26 Feb 07, SA (b)(6), (b)(7)(C) Fort Leavenworth Resident Agency, Fort Leavenworth, KS, coordinated with LTC (b)(6), (b)(7)(C) SJA, Community Based Health Care Organization (CBHCO), 2410 Stanley Road, Fort Sam Houston, TX 78234, who explained SGT (b)(6), (b)(7)(C) active duty status. LTC (b)(6), (b)(7)(C) stated during SGT (b)(6), (b)(7)(C) deployment he was injured and medevac from Iraq. The injury was going to take more then 60 days recovery so the National Guard put him on an active duty "medical hold" status. SGT (b)(6), (b)(7)(C) was to report to the Walnut Ridge Armory to work and his controlling unit was located in Camp Robinson, AR. LTC (b)(6), (b)(7)(C) further detailed SGT (b)(6), (b)(7)(C) was receiving treatment from various counselors for PTSD and was taking the following medications; Effexor, Hydrocodone, Alprazolam, Levitra, Forbotial Fumarate, Albuterol, Depakote, Felodydine, Perphen, Hydron, Nalex, and Polyhyst. Further, LTC (b)(6), (b)(7)(C) was unsure who SGT (b)(6), (b)(7)(C) local medical providers were; however, he did state he believed he was under treatment from the VA Medical Outreach Clinic in Jonesboro, AR.

About 1015, 28 Feb 07, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) concerning the alleged illegal shooting of an Iraqi civilian in August 2004. SGT (b)(6), (b)(7)(C) provided a verbal statement in which he stated while conducting a clearing of a hotel in the city of Najaf he was leading Team 2 and he observed the shooting of an unarmed Iraqi civilian by another team member. SGT (b)(6), (b)(7)(C) stated prior to entering the building CPT (b)(6), (b)(7)(C) ordered that during the clearing of the building that no individuals found in the building would come out alive. However, SGT (b)(6), (b)(7)(C) stated that no Team Members involved in the clearing would confirm the order. SGT (b)(6), (b)(7)(C) related they started to clear the building and at one point he was standing outside a room with his Team when he overheard a radio communication between a Team Member and CPT (b)(6), (b)(7)(C). The Team Member stated they had an unarmed Iraqi, at which time CPT (b)(6), (b)(7)(C) asked "Why is he still breathing". The Team Member continued to inform CPT (b)(6), (b)(7)(C) that the individual was unarmed and each time CPT (b)(6), (b)(7)(C)

SA (b)(6), (b)(7)(C)

1001st MP BN (CID)
Fort Riley, KS 66442

Signature:
(b)(6), (b)(7)(C)

Date: 3 Mar 07
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stated "Why is he still breathing". After three times of informing CPT (b)(6)(b)(7)(C) the individual was unarmed the Team Member shot the individual two times. SGT (b)(6), (b)(7)(C) stated at this time some how CPT (b)(6), (b)(7)(C) got in front of him and entered the room, at which time he grabbed the Team Member and threw him to the wall and told him that the next time he gave an order to kill an individual that the Team Member not refuse. CPT (b)(6), (b)(7)(C) then drew his weapon and shot the individual in the head as the Iraqi was not dead. SGT (b)(6), (b)(7)(C) stated he did not observe the Team Member or CPT (b)(6), (b)(7)(C) shoot the individual as he did not enter the room until the all clear signal was given. SGT (b)(6), (b)(7)(C) stated this incident occurred sometime in July or August 2004. SGT (b)(6), (b)(7)(C) further provided additional locations they were assigned in Iraq as Fort Apache, Falluja, Baghdad, and Taji. After providing the above information SGT (b)(6), (b)(7)(C) was questioned further concerning the allegations and the fact he had earlier stated he was in the room when CPT (b)(6), (b)(7)(C) shot the individual. SGT (b)(6), (b)(7)(C) stated SA (b)(6), (b)(7)(C) misunderstood him and he could not help he was confused. SGT (b)(6), (b)(7)(C) was then questioned further concerning the names and only after much reluctance he provided the name of the shooter as SGT (b)(6), (b)(7)(C) A Co, 2/153rd Infantry, Walnut Ridge, AR.

AGENT COMMENT: SGT (b)(6), (b)(7)(C) was asked to provide a written statement so additional information would not be confused; however, he continued to refuse. However, SGT (b)(6), (b)(7)(C) no longer was concerned with CPT (b)(6), (b)(7)(C) and offered to have a conversation with SGT (b)(6), (b)(7)(C) recorded to document the allegation. SGT (b)(6), (b)(7)(C) made additional contradictory statements concerning the location of the incident and where the shooter was located. SGT (b)(6), (b)(7)(C) originally stated the incident occurred in Najaf; however, during previous interviews he discussed Baghdad and Taji. He has now confirmed the incident occurred in Najaf. SGT (b)(6), (b)(7)(C) further provided the name of the shooter as SGT (b)(6), (b)(7)(C) and stated SGT (b)(6), (b)(7)(C) will be present at the weekend drill in Walnut Ridge, AR. SGT (b)(6), (b)(7)(C) originally stated the shooter was on active duty on the Mexican border.

About 1030, 1 Mar 07, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) A Co., 2/153rd IN BN, Walnut Ridge, AR, who stated he has been with his current unit for about six months. SFC (b)(6), (b)(7)(C) did not deploy with nor does he know SGT (b)(6), (b)(7)(C) other than in passing. SGT (b)(6), (b)(7)(C) has never discussed the incident in Iraq with SFC (b)(6), (b)(7)(C)

SA (b)(6), (b)(7)(C)

1001st MP BN (CID)
Fort Riley, KS 66442

Signature: (b)(6), (b)(7)(C)

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About 1045, 1 Mar 07, (b)(6), (b)(7)(C) 78th MP BN (CID), Fort Riley, KS 66442, interviewed SFC (b)(6), (b)(7)(C) A Co, 2/153rd INF, 39th BDE, Arkansas National Guard (ARNG), Walnut Ridge, AR 72476 (WRAR). SFC (b)(6), (b)(7)(C) related he was assigned to the unit about six months ago, as the unit Operations Sergeant; acting Commander and First Sergeant when the unit was not on scheduled drill. SFC (b)(6), (b)(7)(C) related SGT (b)(6), (b)(7)(C) was assigned to the Medical Hold Company in Searcy, AR, and seldom reported to the unit. SFC (b)(6), (b)(7)(C) further related his impression of SGT (b)(6), (b)(7)(C) was that he was "windy", meaning he would often tell unbelievable stories and was a "bullshitter", referring to known lies told by SGT (b)(6), (b)(7)(C) to members of the unit. SFC (b)(6), (b)(7)(C) related SGT (b)(6), (b)(7)(C) expressed discontent for not being awarded enlistment bonuses by the unit and for being passed up for promotion, due to his medical holds status. Further, SGT (b)(6), (b)(7)(C) was scheduled to retire and will retire with the rank of E-5 if not promoted prior to his medical board. SFC (b)(6), (b)(7)(C) further related SGT (b)(6), (b)(7)(C) amicable personality granted him acceptance by his peers; however, he was on a "breathe lightly" profile, which enabled him to "sham" out of any work in the unit, causing resentment and lack of respect from unit members. SFC (b)(6), (b)(7)(C) provided only administrative data on other members of the unit, relating he knew of no information pertinent to this investigation.

About 1330, 1 Mar 07, SA (b)(6), (b)(7)(C) interviewed MAJ (b)(6), (b)(7)(C) HHC, 2/153 INF, 39th IBCT, Searcy, AR 72143, who was identified as the Company Commander during the deployment. MAJ (b)(6), (b)(7)(C) related the unit had "boots" on the ground in Iraq on 8 Apr 04 and that by 1 May 04, CPT (b)(6), (b)(7)(C) and his platoon to include SGT (b)(6), (b)(7)(C) were detached to C Co, 2/7 Cavalry. MAJ (b)(6), (b)(7)(C) stated that was the last time he had contact with SGT (b)(6), (b)(7)(C). The unit reunited in October 2004; however, SGT (b)(6), (b)(7)(C) had returned to the States in September 2004, for medical reasons. MAJ (b)(6), (b)(7)(C) stated he was unaware of the incident involving the shooting of the Iraqi until 1 Mar 07, when this office notified him of the incident and he spoke with CPT (b)(6), (b)(7)(C). MAJ (b)(6), (b)(7)(C) stated he was aware SGT (b)(6), (b)(7)(C) returned to the States prior to the fight in Najaf and that SGT (b)(6), (b)(7)(C) did not return until after the fighting. MAJ (b)(6), (b)(7)(C) stated SGT (b)(6), (b)(7)(C) was detached from his company so he had no role in SGT (b)(6), (b)(7)(C) leave. MAJ (b)(6), (b)(7)(C) was then questioned concerning SGT (b)(6), (b)(7)(C) allegation of multiple detainees being shot by Special Forces soldiers. MAJ (b)(6), (b)(7)(C) stated there was an incident involving the shooting of an Iraqi detainee by Special Forces and it occurred while at Fort Apache, Iraq. MAJ

SA (b)(6), (b)(7)(C) 1001st MP BN (CID)
Fort Riley, KS 66442

Signature: (b)(6), (b)(7)(C) Date: 3 Mar 07 Exhibit:

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(b)(6)(b)(7)(C) stated only one incident occurred and it involved LT (b)(6), (b)(7)(C) (NFI). MAJ (b)(6), (b)(7)(C) stated LT (b)(6), (b)(7)(C) was conducting the interview of a detainee with a SSG (b)(6), (b)(7)(C) (NFI), 5th Special Forces Group, Fort Campbell, KY, when the detainees flex cuffs were cut off so that the detainee could be recuffed in the front. Upon cutting the cuffs off, the individual went for LT (b)(6), (b)(7)(C) and grabbed LT (b)(6), (b)(7)(C) side arm, at which time LT (b)(6), (b)(7)(C) pushed the individual away and SSG (b)(6), (b)(7)(C) fired two rounds into the chest of the detainee. MAJ (b)(6), (b)(7)(C) stated SGT (b)(6), (b)(7)(C) was not present during this incident as he with the platoon detached to the Cavalry unit. MAJ (b)(6), (b)(7)(C) stated there was an internal investigation into the shooting and the incident was cleared, but he did not know the whereabouts of the investigation or whether it was formal. MAJ (b)(6), (b)(7)(C) stated he submitted an award for SSG (b)(6), (b)(7)(C) of a Bronze Star with Valor, but the aware was downgraded to an ARCOM with Valor.

About 1330, 1 Mar 07, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) who was identified by SGT (b)(6), (b)(7)(C) to be the individual who shot the Iraqi in the apartment complex. SA (b)(6), (b)(7)(C) advised SPC (b)(6), (b)(7)(C) of his legal rights, which he waived and provided a Sworn Statement wherein he described an incident in Najaf, Iraq. SGT (b)(6), (b)(7)(C) stated during room clearing operations he came upon what appeared to be an injured Iraqi man while clearing a room in an apartment. SPC (b)(6), (b)(7)(C) stated the man had an AK-47, someone shouted "shoot him", and he shot him. He further stated CPT (b)(6), (b)(7)(C) did shoot the man after the area was cleared by personnel, as the man was still alive and still posed a threat with his weapon. (See rights waiver certificate and sworn statement for details)

About 1353, 1 Mar 07, SA (b)(6), (b)(7)(C) 90th MP Det (CID), Fort Sill, OK 73503, advised CPT (b)(6), (b)(7)(C) of his rights, which he waived and provided a Sworn Statement. CPT (b)(6), (b)(7)(C) stated around 24 Aug 04 the unit Rules of Engagement (ROE) within Najaf was that everyone in Najaf dies, no weapons necessary, everyone is considered to be hostile. CPT (b)(6), (b)(7)(C) further stated MAJ (b)(6), (b)(7)(C) Headquarters and Headquarters Company (HHC), Army Logistics Management College (ALMC), Fort Lee, VA 23801, gave the ROE. CPT (b)(6), (b)(7)(C) also stated SGT (b)(6), (b)(7)(C) was in the States at the time the mission took place in Najaf taking care of his grandmother. Further, CPT (b)(6), (b)(7)(C) stated he was unaware at the time of the shooting of the Iraqi male that SGT (b)(6), (b)(7)(C) was the shooter. CPT (b)(6), (b)(7)(C) stated when he entered the room he observed the Iraqi male standing up and holding an AK-47 rifle. CPT (b)(6), (b)(7)(C) stated he shot the individual and that SSG (b)(6), (b)(7)(C) Det 1, 1/206th FA, Phillips Armory, Camp Robinson, AR, was present when the Iraqi was shot.

SA (b)(6), (b)(7)(C)

1001st MP BN (CID)
Fort Riley, KS 66442

Signature: (b)(6), (b)(7)(C)

Date: 3 Mar 07
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About 1600, 1 Mar 07, SA (b)(6)(b)(7)(C) and SA (b)(6), (b)(7)(C) coordinated with Mrs. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Veteran's Affairs (VA) Specialist, Jonesboro, AR, who conducted an internal VA computer search, which indicated SGT (b)(6), (b)(7)(C) was not under the care of a VA provider in the state of Arkansas or Tennessee. Further, Mrs. (b)(6), (b)(7)(C) stated the reason was probably that SGT (b)(6), (b)(7)(C) was under the care of a private practice doctor and was using Tricare to pay or he may be under the care of a military physician.

About 2156, 1 Mar 07, SA (b)(6), (b)(7)(C) interviewed MAJ (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Headquarters and Headquarters Company (HHC), Army Logistics Management College (ALMC), Fort Lee, VA 23801, who stated he was the Commander of C Co 2/7th Cavalry while deployed to Iraq from about March 2004 through February 2005. MAJ (b)(6), (b)(7)(C) acknowledged that several soldiers from the National Guard were under his command including SGT (b)(6), (b)(7)(C) MAJ (b)(6), (b)(7)(C) stated he briefly remembered a couple of ROE briefs while in Najaf; however, at no time were soldiers instructed any one in the city was to be considered a hostile combatant regardless of whether they had a weapon or not.

About 1150, 2 Mar 07, SA (b)(6), (b)(7)(C) advised SGT (b)(6), (b)(7)(C) of his legal rights, which he invoked, and declined to make any statements at this time. (See rights non-waiver certificate for details)

About 1315, 2 Mar 06, SA (b)(6), (b)(7)(C) interviewed LTC (b)(6), (b)(7)(C) 39th Infantry Brigade Staff Judge Advocate, Little Rock, Arkansas, who was identified as being the SJA while deployed to Iraq. LTC (b)(6), (b)(7)(C) did recall an incident where LT (b)(6), (b)(7)(C) was involved in the interrogation of an Iraqi man who owned a business where weapons caches were located. During the interview, the Iraqi complained the handcuffs behind his back were hurting his wrists. Due to his level of cooperation, the hand cuffs were removed to place them in front of him. When the cuffs were removed, the man attacked LT (b)(6), (b)(7)(C) and took his sidearm. A Special Forces soldier shot the Iraqi man, killing him. LTC (b)(6), (b)(7)(C) explained since the Iraqi man had a weapon, the incident was not investigated as it was considered a combat kill. He further stated any documentation was still in a Conex in Taji, as the Conex had not yet been shipped to the states.

About 1330, 2 Mar 07, SA (b)(6), (b)(7)(C) interviewed 1SG (Ret.) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 287 O'Kean Loop, O'Kean, AR 72449, who was identified as serving with SGT (b)(6), (b)(7)(C) in Iraq. 1SG (b)(6), (b)(7)(C) stated he was on several missions with SGT (b)(6), (b)(7)(C)

SA (b)(6), (b)(7)(C)

1001st MP BN (CID)
Fort Riley, KS 66442

Signature: (b)(6), (b)(7)(C)

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where SGT (b)(6)(b)(7)(C) identified IEDs along the roadways. He further stated the only gunfight SGT (b)(6), (b)(7)(C) was involved in was with a farmer inadvertently shooting at their convoy while trying to ward off a melon thief. 1SG (b)(6), (b)(7)(C) stated the assault occurred in the dark, and SGT (b)(6), (b)(7)(C) had the only spotlight, but refused to use it to illuminate the enemy combatants as he feared they would shoot at the lights. 1SG (b)(6), (b)(7)(C) further explained SGT (b)(6), (b)(7)(C) was not involved in any of the fighting in Najaf, Iraq, as he was home during the month of August. He further stated SGT (b)(6), (b)(7)(C) approached him after the unit returned home from Iraq and stated he thought he deserved a bronze star or medal of honor for his valor while deployed. 1SG (b)(6), (b)(7)(C) felt SGT (b)(6), (b)(7)(C) did some good things while deployed, but he was not anywhere near the majority of the serious fighting the unit experienced.

About 1340, 2 Mar 07, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) Det 1, 1/206th FA, Phillips Armory, Camp Robinson, AR, who provided a Sworn Statement wherein he detailed his actions in the raid, which occurred around the middle of August 2004. SSG (b)(6), (b)(7)(C) stated after SGT (b)(6), (b)(7)(C) shot the Iraqi, CPT (b)(6), (b)(7)(C) entered the room, at which time CPT (b)(6), (b)(7)(C) shot the individual. SSG (b)(6), (b)(7)(C) stated he entered the room and confirmed the individual was dead and observed an AK-47 adjacent to the body. SSG (b)(6), (b)(7)(C) further detailed SGT (b)(6), (b)(7)(C) was not present during the mission. (See Sworn Statement for details)

About 1400, 2 Mar 07, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) 233rd Regional Training Institute, Camp Robinson, AR 72076, as he was identified by CPT (b)(6), (b)(7)(C) as contacting him on 20 Feb 07 concerning SGT (b)(6), (b)(7)(C) SFC (b)(6), (b)(7)(C) stated he did not have any discussion with SGT (b)(6), (b)(7)(C) concerning the incident in Iraq; however, during a family event sometime after 14 Feb 04, he had a discussion with (b)(6), (b)(7)(C) his nephew (NFI), who told him he was contacted by SGT (b)(6), (b)(7)(C) to provide a statement concerning the shooting in Iraq. SFC (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) was assigned with SGT (b)(6), (b)(7)(C) while in Iraq. SFC (b)(6), (b)(7)(C) stated he did not receive any information concerning the shooting from (b)(6), (b)(7)(C) however, when he discussed it with CPT (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) told him SGT (b)(6), (b)(7)(C) was saying he supposedly grabbed SGT (b)(6), (b)(7)(C) by the neck and told him to not disobey his orders and then CPT (b)(6), (b)(7)(C) shot the Iraqi at point blank range. SFC (b)(6), (b)(7)(C) stated CPT (b)(6), (b)(7)(C) informed him this was not true; however, CPT (b)(6), (b)(7)(C) did not provide any details concerning the incident. SFC (b)(6), (b)(7)(C) stated he deployed with SGT (b)(6), (b)(7)(C) to Iraq; however, SFC (b)(6), (b)(7)(C) stayed with the main company and was not detached

SA (b)(6), (b)(7)(C)

1001st MP BN (CID)
Fort Riley, KS 66442

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with SGT (b)(6)(b)(7)(C) SFC (b)(6), (b)(7)(C) further stated he was aware SGT (b)(6), (b)(7)(C) was on Emergency Leave for a sick Grandmother while the Platoon was fighting in Najaf.

About 1500, 2 Mar 07, SA (b)(6), (b)(7)(C) coordinated with LTC (b)(6), (b)(7)(C) and briefed him on the status of the investigation. LTC (b)(6), (b)(7)(C) stated he was contacted by SGT (b)(6), (b)(7)(C) who related SA (b)(6), (b)(7)(C) made him sign a statement concerning providing a False Official Statement. LTC (b)(6), (b)(7)(C) was informed that SGT (b)(6), (b)(7)(C) was advised of his rights and did not provide a statement. Further, LTC (b)(6), (b)(7)(C) was briefed on the status of the investigation.

About 1505, 2 Mar 07, SA (b)(6), (b)(7)(C) Fort Polk CID Office, Fort Polk, LA 71459 (FPLA) and SA (b)(6), (b)(7)(C) 78th MP Det (CID), Fort Riley, KS 66442, interviewed Mr. (b)(6), (b)(7)(C) (formerly SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) who stated he was assigned as SGT (b)(6), (b)(7)(C) team leader while they were deployed to Iraq in 2004. SGT (b)(6), (b)(7)(C) provided a Sworn Statement, in which he stated SGT (b)(6), (b)(7)(C) was not with the platoon while in Najaf, Iraq and would have no first hand knowledge of any incidents which took place there. Mr. (b)(6), (b)(7)(C) stated SGT (b)(6), (b)(7)(C) acted within the Rules of Engagement when he shot an armed Iraqi man in an apartment complex in August 2004. Further, Mr. (b)(6), (b)(7)(C) stated he did not know of or see CPT (b)(6), (b)(7)(C) shoot any individuals while deployed to Iraq. (See Sworn Statement for details)

About 1545, 2 Mar 07, SA (b)(6), (b)(7)(C) coordinated with SA (b)(6), (b)(7)(C) and briefed him on the status of this investigation. SA (b)(6), (b)(7)(C) stated he would coordinate with the U.S. Attorney and brief on the status of this investigation. Further, SA (b)(6), (b)(7)(C) stated there would be no report sent out from their office.

About 1610, 2 Mar 07, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) who provided a verbal statement relating his squad never conducted any missions with Special Forces nor did they provide security for them. Further, Mr. (b)(6), (b)(7)(C) stated he only remembers Special Forces being at Fort Apache, Iraq, where his unit was located for one day. Mr. (b)(6), (b)(7)(C) did not have any further information to provide.

Between 1040 and 1230, 3 Mar 07, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted canvass interviews of personnel assigned to A CO, 2/153 IN BN, 39TH BDE, while at the

SA (b)(6), (b)(7)(C) 1001st MP BN (CID)
Fort Riley, KS 66442

Signature: (b)(6), (b)(7)(C) Date: Exhibit:
3 Mar 07

CID Form 94

AGENT'S INVESTIGATION REPORT

0066-07-CID045-19508

CID Regulation 195-1

Page 9 of 9 Pages

National Guard armory located in Walnut Ridge, AR. None of the individuals interviewed related information pertinent to this investigation.

About 1051, 3 Mar 07, SA (b)(6)(b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) A Co, 2/153rd INF, 39th IBCI, Walnut Ridge, AR 72476, who provided a Sworn Statement, in which he stated when SGT (b)(6), (b)(7)(C) shot the Iraqi he was in the stairwell and did not observe the male nor did he see CPT (b)(6), (b)(7)(C) enter and shot the Iraqi.

About 1100, 3 Mar 07, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) A Company, 2/153rd Infantry, Walnut Ridge, AR, identified as SGT (b)(6), (b)(7)(C) Platoon Sergeant during his deployment. SFC (b)(6), (b)(7)(C) provided a Sworn Statement wherein he confirmed SGT (b)(6), (b)(7)(C) was not in Najaf, Iraq, when the fighting took place. He further stated his only knowledge of the shooting of an Iraqi man in the apartment complex was from stories he heard after the incident. SFC (b)(6), (b)(7)(C) explained he thought SGT (b)(6), (b)(7)(C) made the allegations because he did not get an award for his actions in Iraq, and he wanted a disability check. (See sworn statement for details)

About 1220, 3 Mar 07, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) A Co, 2/153rd INF, 39th INF BDE, Walnut Ridge, AR, as he was identified during canvass interviews as being assigned with SGT (b)(6), (b)(7)(C) while in Iraq. SPC (b)(6), (b)(7)(C) provided a Sworn Statement, in which he stated he was on leave around 4 - 20 Aug 04, while deployed in Iraq. SPC (b)(6), (b)(7)(C) stated SGT (b)(6), (b)(7)(C) departed on leave a couple days after and while on leave he saw SGT (b)(6), (b)(7)(C) in the local area. Further, SPC (b)(6), (b)(7)(C) stated he returned to Iraq a couple of days prior to SGT (b)(6), (b)(7)(C). Also, SPC (b)(6), (b)(7)(C) stated he did not take part in any of the fighting in Najaf. ///LAST ENTRY///

SA (b)(6), (b)(7)(C)

1001st MP BN (CID)
Fort Riley, KS 66442

Signature: (b)(6), (b)(7)(C)

Date: 3 Mar 07
Exhibit:

CID Form 94

~~PART II - RIGHTS WARNING PROCEDURE~~
~~LAW ENFORCEMENT SENSITIVE~~
THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN THE SUSPECT/ACCUSED REFUSES TO SIGN THE WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogations, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

SWORN STATEMENT

File Number : 0066-07-CID045-
Location : Arkansas State University Police Station,
 Jonesboro, Arkansas, 72401
Date : 1 Mar 07 **Time**: 1651 (b)(6)(b)(7)(C)
Statement of: (b)(6), (b)(7)(C)
SSN : (b)(6), (b)(7)(C) **Grade/Status**:: E-5 National Guard
Org/Address : (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)

I, (b)(6), (b)(7)(C) want to make the following statement under oath:

I have been in the National Guard for approximately 7 years, I have been assigned to A. Co. 2/153 INF 39th BCT, based in Walnut Ridge, AR, for the entire duration. I was mobilized in Oct. of 2003 and sent to Ft. Hood, TX. In February of 2004, we were sent to Ft. Polk, LA to complete training before deploying to Iraq. I deployed into theater through Kuwait and was at Camp Cook for a couple of weeks. Then we were sent to FOB Gunslinger for a few weeks (Maybe April). Then we were sent to Ft. Apache for one day before my platoon was reassigned to C. Co. 2/7 Cav. The next day we moved to Camp Volunteer, which is in Baghdad. We were there approx. 1 month before moving back to Camp Cook in Taji. In the beginning of August of 2004, we convoyed to Najaf as part of an operation to clear the city of the Mahdi Army. Sgt. (b)(6), (b)(7)(C) left for emergency leave before we went to Najaf. The fight in Najaf lasted approx. 15 days. Sgt. (b)(6), (b)(7)(C) did not take part in any of the fighting due to the fact that he was in the U.S. Nearly all of the civilian population had evacuated the city-Najaf was virtually a ghost town. Toward the end, our platoon was tasked with raiding a few buildings that were further into the city than any other U.S. Forces. The first building we raided was actually on fire. Before we left for the mission, I had been told that the snipers had said that they had shot someone on the roof of our first objective. When we got to the last two rooms before getting to the rooftop, which were located in a narrow hallway, barely big enough for a person to squeeze through, I kicked in the door and was the first man in (we were operating in two man teams due to the size of the hallway and rooms). I saw a man through my left peripheral vision. He was hunched over and was pasty white. I initially thought he was sick, and even shouted "I think he's sick.." but

INITIALS (b)(6), (b)(7)(C)

Page 1 of 5

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

EXHIBIT

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT Jonesboro, Arkansas,
72401, DATED: 1 Mar 07 CONTINUED:

realized he was injured. He had an Ak-47, but I did not see it at first. He was starting to get up, as he was turning toward us I could see his AK, and I heard "SHOOT HIM!" I'm not sure who said it but it was someone standing close enough to the door that they knew he was armed. I aimed center-mass and squeezed the trigger somewhere between 2-4 times (my memory is hazy). The man hit the ground and we left the room. When we went to clear the last room, we heard another shot (or maybe it was two shots-again I can't recall exactly). Lt. (b)(6), (b)(7)(C) emerged from the room and said that the man wasn't dead and was trying to get up with his AK. We cleared the roof and then left the building.

Q: SA (b)(6), (b)(7)(C)

A: SGT (b)(6), (b)(7)(C)

Q: Did you type the above statement in your own words?

A: Yes.

Q: Do you know why SGT (b)(6), (b)(7)(C) went on emergency leave?

A: I think a family member died or was sick.

Q: When did SGT (b)(6), (b)(7)(C) return to Iraq from emergency leave?

A: He linked back up with us after the fight in Najaf was over. He met up with us at FOB Duke the day before we headed back to Baghdad.

Q: What were you briefed prior to entering the building that you cleared in Najaf?

A: If I recall correctly, we were told we were going to raid 2 or 3 target buildings at Objective Kentucky, and that insurgents were spotted at the buildings. Also, if I recall correctly, we were supposed to choose the building with a good vantage point to emplace the snipers, and fortify the building.

Q: What were your rules of engagement when you cleared a building?

A: I don't recall the exact regulations of the Rules of Engagement during those 15 days, I know it was a little looser than our normal ROE because of the situation in Najaf, before the battle in Najaf, our ROE stated that someone had to be pointing a weapon at you before you could shoot them.

Q: Why did you shoot the man?

A: I felt he was a threat to me and my squad members.

Q: Who was in the room with you when you shot the man?

A: SGT (b)(6), (b)(7)(C)

Q: What individuals could provide information about the shooting of the man?

INITIALS (b)(6), (b)(7)(C)

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~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

EXHIBIT EXHIBIT 367

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT Jonesboro, Arkansas,
72401, DATED: 1 Mar 07 CONTINUED:A: SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) and 1LT
(b)(6), (b)(7)(C)

Q: When you heard the other shots after you left the room, do you know who shot them?

A: 1LT (b)(6), (b)(7)(C) as far as I have been told.

Q: Did you ever discuss this incident with 1LT (b)(6), (b)(7)(C)

A: I never discussed this with 1LT (b)(6), (b)(7)(C) until I got word that Sgt. (b)(6), (b)(7)(C) had told 1LT (b)(6), (b)(7)(C) who is now our commander, that I was spreading word of the false story, which incriminates 1LT (b)(6), (b)(7)(C) claiming that I refused to kill the insurgent and that 1LT (b)(6), (b)(7)(C) executed the man in front of me.

Q: Was 1LT (b)(6), (b)(7)(C) alone in the room when he fired the rounds?

A: To my knowledge, SSG (b)(6), (b)(7)(C) was with him.

Q: Prior to the mission in Najaf, did anyone give an order "Nobody comes out alive"?

A: If there was an order given, it was specified that no "bad guys" would come out, as in like a pep-talk sort of speech. I don't think that there was ever a "kill all men, women, and children" type of order given to my knowledge.

Q: What missions did SGT (b)(6), (b)(7)(C) conduct, to your knowledge?

A: To my knowledge, while SGT (b)(6), (b)(7)(C) was not on leave, or dealing with medical issues, he was a Team Leader, and participated in some raids, combat patrols, and route clearances, but to my knowledge, never participated in any fire-fights or was never engaged in major combat. It always seemed that when something big happened, SGT (b)(6), (b)(7)(C) was never there.. he was either on leave, or claimed some sort of injury.

Q: Did you tell SGT (b)(6), (b)(7)(C) the details of the incident when you shot that man?

A: Approximately 3-5 months after we returned home, while in the Armory at Walnut Ridge, I told him the story in less detail than what I put in this statement, but enough detail about how who shot who to the point where the story would not get to what I have heard that he has told other people. From what I have been told from other unit members, SGT (b)(6), (b)(7)(C) stated multiple times that I refused to kill the insurgent, and 1LT (b)(6), (b)(7)(C) pinned me against the wall, put the man down to his knees, pulled out his pistol, and shot the man, execution style, in the head.

Q: Did you conduct surveillance on a supply drop by insurgents (2 to 3 day mission), where attack helicopters were called to eliminate the target?

A: No. (b)(6), (b)(7)(C)

INITIALS (b)(6), (b)(7)(C)

Page 3 of 5

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT Jonesboro, Arkansas, 72401, DATED: 1 Mar 07 CONTINUED:

Q: Did you ever have air support on any of the missions you conducted?

A: We had black hawks drop us off at LZ's and in Najaf there was air support. There was never a point where we had air support kill anyone for us.

Q: Did SGT (b)(6), (b)(7)(C) ever show you or give you any digital images or videos of an attack helicopter killing insurgents?

A: No, but I have seen several videos on the internet that were from Iraq that showed attack helicopters firing on targets. None of them are from any conflicts my unit was involved in.

Q: Did you ever witness any people being put into a river or body of water.

A: No.

Q: Why do you think SGT (b)(6), (b)(7)(C) is telling the story he is telling?

A: Honestly, I don't know, but I have heard that he is trying to take down three or four of our "higher-ups", but I really don't know what his motivation is. I have heard rumors that SGT (b)(6), (b)(7)(C) was having certain issues medically or with drawing an amount of disability and he wanted something to hang over the commander's head so the commander would sign off on anything.

Q: Are you aware of any conversations between SGT (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C)

A: The day that I heard about SGT (b)(6), (b)(7)(C) false story of what happened, I went to see CPT (b)(6), (b)(7)(C) to clear up the situation, because he thought that I was telling the story because that is what SGT (b)(6), (b)(7)(C) told him, CPT (b)(6), (b)(7)(C) briefly told me of phone conversations with SGT (b)(6), (b)(7)(C) where he said that he had sworn statements from other unit members against the CPT (b)(6), (b)(7)(C) and that he was on CPT (b)(6), (b)(7)(C) "side".

Q: Is there anything you wish to add to or remove from this statement?

A: No.///END OF STATEMENT///

INITIALS (b)(6), (b)(7)(C)

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

EXHIBIT 7 38

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT Jonesboro, Arkansas, 72401, DATED: 1 Mar 07 CONTINUED:

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 5. 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)(6), (b)(7)(C)
[Redacted Signature]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1st day of March 2007 at Jonesboro, Arkansas, 72401.

(b)(6), (b)(7)(C)
[Redacted Signature]

(Signature of Person Administering Oath)

SA (b)(6), (b)(7)(C)
[Redacted Name]

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

INITIALS (b)(6), (b)(7)(C)
[Redacted Initials]

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~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

EXHIBIT 7 39

RIGHTS WAIVER/PROCEDURE WAIVER CERTIFICATE
LAW ENFORCEMENT SENSITIVE
For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 (b)(6)(b)(7)(C)		2. DATE (b)(6), (b)(7)(C) 01 Mar 07	3. TIME (b)(6), (b)(7)(C) 1353	4. FILE NUMBER
5. Name (Last First MI) (b)(6), (b)(7)(C)		8. ORGANIZATION OR ADDRESS A Company 2nd BN 153rd INF 39th IBCT Searcy, AR 72143		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS CPT			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army **Criminal Investigation Command As A Special Agent** and wanted to question me about the following offense(s) of which I am suspected/a Murder//

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
- I do not have to answer any questions or say anything.
 - Anything I say or do can be used as evidence against me in a criminal trial.
 - (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-or-

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)		SIGNATURE OF INTERVIEWER	
1a. NAME (Type or Print)		(b)(6), (b)(7)(C)	
b. ORGANIZATION OR ADDRESS AND PHONE		(b)(6), (b)(7)(C)	
2a. NAME (Type or Print)		SA (b)(6), (b)(7)(C)	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR Fort Sill Resident Agency (CID) Fort Sill, OK 73503	

SECTION C. Non-waiver

- I do not want to give up my rights
 I want a lawyer
 I do not want to be questioned or say anything
- SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

~~LAW ENFORCEMENT SENSITIVE~~

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

LOCATION (b)(6), (b)(7)(C)	DATE 1 Mar 2007	TIME 1713	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS CPT/NG
ORGANIZATION OR ADDRESS A Company 2 nd BN 153 rd INF 39 th IBCT			

(b)(6), (b)(7)(C), (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On or about 27 Apr 04, 1st Plt Co C 3/153 IN, was reassigned to 2nd Plt Co C 2/7 CAV. We were to report to FOB Volunteer (2-162 IN) to link up with 2/7 CAV. On or about 1 June 04, 2/7 CAV BN recalled their company back to Taji< Camp Cook, Iraq (North of Baghdad) to conduct missions in AO Ghost. Being assigned to that company we also left FOB Volunteer and went north to Taji. We conducted many missions for C 2/7 CAV over the course of the next couple of months. On or about 7-8 Aug 04, SGT (b)(6), (b)(7)(C) approached me and stated that his grandmother was dying and that he needed to go home, but he wanted to lead his troops into combat as well. He asked me what he should do. I told him that he needed to make a gut check and decide what the right thing was to do. He stated he wanted to go home and be with his grandmother. I decided that if a Team Leader didn't want to lead his soldiers into combat, then I didn't want him to either, so I told SFC (b)(6), (b)(7)(C) the PSG to get him home. He went to 1SG (b)(6), (b)(7)(C) active duty 1SG) and they got SGT (b)(6), (b)(7)(C) home. He rejoined us at Camp Duke after the fighting (which was a 16 day fight during the time period 10-28 Aug 04) sometime after the 28th Aug 04. He then traveled back to Taji with us. Within 1-2 weeks (Sept 04 time frame), he went to BIAP (Baghdad International Airport) for a Doctors appointment for his kidneys. He never returned to the platoon. He was sent back to the United States and was put on CBHCO which he has been on from then to date. On 24 Aug 04, 2 Plt, C2/7 CAV received an ROE as follows: Within Medina (old part of city within An-Najaf), Engaging Targets, everyone in Medina dies, no weapons necessary, everyone is considered hostile. Exclusion zone is gone, so we can no assault the old city, Mosque must NOT be harmed, AC-130 Spectre Gun ship will be onboard for support, and that there are over 1,000 AIF (insurgents) within the Mosque or the surrounding area. I received this ROE from CPT (b)(6), (b)(7)(C) (C2/7 Commander). On 24 Aug 04, I briefed the platoon and we prepared for combat. At 1630, every plt radio was monitored. At 1700, everyone mounted up on vehicles. At 1715, we were Redcon 1 from CP (b)(6), (b)(7)(C) where we were staged). At 1730, Assault on the March Objective (Searcy) began. The Mission was to clear Objective Searcy of all enemy personnel and then cross the road into the exclusion zone and seize the Al-jawad hotel within Obj Kentucky and prepare for follow-on missions within the old city of Medina (exclusion zone). While on Objective Searcy, we encountered an underground tunnel that led into a vast underground network of tunnels. Not wanting to clear those tunnels, I posted 1st Sqd (approximately 4-5 pers) on the first floor of the hotel to guard the entrance to the tunnels. While on the 3rd floor of the hotel (still Obj Searcy), 3rd sqd (approximately 3-4 pers) began clearing rooms. SSG (b)(6), (b)(7)(C) (SL) shouts out that they have an enemy with a gun. I yell back to engage. Three shots were fired into his chest by SGT (b)(6), (b)(7)(C). The enemy fell to the ground, and 3rd Sqd cleared the room and continued clearing the other rooms. I poked my head into the room and the man was in the process of standing up and still had his weapon in his hand. I fired two rounds at the enemy and he collapsed. Upon falling, he let go of his weapon and died. We then continued clearing the building. Once the building was completely cleared, we moved across the street and began the seizure of the Al-jawad hotel (Obj Kentucky). (b)(6), (b)(7)(C)

- Q: SA (b)(6), (b)(7)(C)
- A: CPT (b)(6), (b)(7)(C)
- Q: Did you type the above statement?
- A: Yes.
- Q: Did you type the above statement of your own free will?
- A: Yes.
- Q: What was the name of the base where the incident took place?
- A: The incident took place on objective Searcy.
- Q: What type of mission was your unit on at the time of the incident?
- A: Seizing objective Kentucky, it was the March objective.
- Q: What was SGT (b)(6), (b)(7)(C) mission? (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 5 PAGES
---------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE
 INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE
 LINED OUT, AND THE STATEMENT WILL BE CONTINUED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. 41

~~FOR OFFICIAL USE ONLY~~

~~LAW ENFORCEMENT SENSITIVE~~

STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT (b)(6), (b)(7)(C) DATED 1 March 2007 CONTINUED

(b)(6), (b)(7)(C) A: SGT (b)(6), (b)(7)(C) was in America, his mission was to take care of his grandmother.

Q: When did SGT (b)(6), (b)(7)(C) return to the United States to take care of his grandmother?

A: I want to say it was between the 6 to 8 August 2004.

Q: Why did the unit not require a Red Cross message?

A: We did require a Red Cross message, but I want to say we got him home on R & R leave.

Q: Did SGT (b)(6), (b)(7)(C) ever go into combat with the unit and engage the enemy?

A: No, he has never been in combat with the unit but he did get into a firefight with a farmer, the farmer was under impression we were stealing his melons.

Q: Did SGT (b)(6), (b)(7)(C) ever go out on mission in Najaf?

A: No.

Q: Can anyone confirm SGT (b)(6), (b)(7)(C) grandmother illness?

A: No.

Q: Who provided the Rules of Engagement (ROE) brief for 24 Aug 04?

A: CPT (b)(6), (b)(7)(C)

Q: Where is CPT (b)(6), (b)(7)(C) station?

A: To the best of my knowledge, he is at Fort Hood.

Q: What was the ROE given?

A: The ROE given on 24 AUG 04 was every one in Medina dies, everyone left in the city is considered hostile, no weapons necessary, exclusion zone is gone, Mosque must not be harmed, we were told we had a C130 gun ship and there were 1000 enemy personal around the Mosque.

Q: Who were the individuals in 1st Squad?

A: SSG (b)(6), (b)(7)(C)

Q: What did 2nd Squad do during the incident?

A: They had just cleared the second floor so it was 3rd Squads turn to clear. 2nd was on the stairwell.

Q: Who were the individuals in 2nd Squad?

A: SSG (b)(6), (b)(7)(C)

Q: Who was in 3rd Squad?

A: (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

Q: Were there any other Squads?

A: No.

Q: Why did SSG (b)(6), (b)(7)(C) shout they had an individual with a gun if he had been briefed on the ROE?

A: I said to him later that when I say to kill someone they need to kill them not wound them. His response was "Sorry Sir it is new to us"

Q: Did you see the individual's weapon?

A: yes.

Q: what type of weapon was it?

A: I think it was an AK-47.

Q: What did you do with the body?

A: Left it.

Q: What hand did the individual have the weapon in?

A: I guess it was his right hand.

Q: Was there any investigation conducted after this mission or any other mission?

A: Not to my knowledge.

Q: Was anyone in the room when you shot the individual?

A: SSG (b)(6), (b)(7)(C)

Q: Do you know where SSG (b)(6), (b)(7)(C) is now?

A: He lives in (b)(6), (b)(7)(C) and works as an Engineer in a hospital in (b)(6), (b)(7)(C) at UAMS.

Q: Is there a written copy of the ROE?

A: I never received one.

Q: During your time in Najaf did you or anyone in your unit engage an enemy that was unarmed?

A: No.

Q: During your mission in Najaf did you find any weapons that were unarmed and if so what did you do?

A: Right after clearing objective Searcy and on Objective Kentucky an unarmed man fled into a house, fearing that he

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STATEMENT OF (b)(6)(b)(7)(C) AT (b)(6), (b)(7)(C) DATED 1 March 2007 CONTINUED

(b)(6), (b)(7)(C) was reporting to the enemy, we chased him down, he opened the door, and had an elderly heavy set women in front of him and two to three women behind him and five to seven small children. We sent them South.

Q: Why did you not shot them?

A: No hostile intent.

Q: What type of weapon did you have when you shot the individual?

A: I had two weapons, an M-4 assault rifle and an M-9 berretta and I had six grenades.

Q: What weapon did you use to shot the individual?

A: I used to 5.56 rounds from my M-4.

Q: How far were you from the individual when you shot him?

A: About twelve feet.

Q: Were you ever approached by anyone besides this office about this shooting?

A: (b)(6), (b)(7)(C)

Q: What did he ask you about?

A: He told me that (b)(6), (b)(7)(C) was suffering from PTSD because during this incident I had ordered (b)(6), (b)(7)(C) to shoot this guy and (b)(6), (b)(7)(C) refused and I grabbed (b)(6), (b)(7)(C) by the throat, cracked his skull against the wall, drew my pistol and shot the individual in the forehead at close range spraying blood and brains all over us.

Q: Did you ever threaten (b)(6), (b)(7)(C) concerning him approaching you about this incident?

A: No.

Q: Did you meet (b)(6), (b)(7)(C) at the Walnut Ridge Armory about 1930 to 2400 to discuss this incident at an unknown date?

A: Yes, I believe that was in September, but he told me he wanted to come and talk to me, and that was the first time he mentioned the incident.

Q: What was your response to (b)(6), (b)(7)(C) when he told you this story?

A: Number one I told him what really happen, which is what I told you. I then said I do not know why (b)(6), (b)(7)(C) would tell that story and I felt concern for (b)(6), (b)(7)(C). The next day I talked to (b)(6), (b)(7)(C) which was on a Saturday expressing concern for (b)(6), (b)(7)(C). By Sunday afternoon, (b)(6), (b)(7)(C) approached me and told me that (b)(6), (b)(7)(C) story was Bullshit and if he had a sworn statement with his name on it, it was forged. Supposedly, there are 36 sworn statements that (b)(6), (b)(7)(C) has with various details about me, but I do not know what all of that is.

Q: Who is MSG (b)(6), (b)(7)(C)

A: He is the first line supervisor for (b)(6), (b)(7)(C) for the CBHCO program.

Q: Do you know how to contact him?

A: Through CBHCO.

Q: Did MSG (b)(6), (b)(7)(C) ever contact you concerning this incident?

A: No.

Q: Have you ever contacted (b)(6), (b)(7)(C) at his house on 20 Feb 07?

A: I called him one day last week. After (b)(6), (b)(7)(C) contacted my by phone and said we need to talk but we need to do it in person. I went home and I called (b)(6), (b)(7)(C) because (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) is trying to get you.

Q: Who is (b)(6), (b)(7)(C)

A: He was our 2nd PLT SGT, he was not in Najaf, he just heard that (b)(6), (b)(7)(C) was trying to get me so he was giving me a heads up.

Q: How did (b)(6), (b)(7)(C) know about (b)(6), (b)(7)(C)

A: Someone told him.

Q: How do I contact (b)(6), (b)(7)(C)

A: RTI Camp Robinson, AR

Q: What did you discuss with (b)(6), (b)(7)(C) when you called?

A: I had heard there was a 15-6, I asked him what was going on, he told me he was having physiological problems and the truth needed to come out. He said he was having nightmares and I asked why he was not even in Najaf and he said it did not matter, the story hurt his heart.

Q: Have you ever heard of the call sign Reeper 6?

A: No.

Q: Are you aware of (b)(6), (b)(7)(C) crawling on his bellie to an IED and pulling the wires out?

A: No, He did approach a box and looked inside and his face turned white and he came back and said there was an IED in the box. On a separate occasion he spotted an IED in the median and we cordoned off the road and EOD came and denoted the IED (b)(6), (b)(7)(C)

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STATEMENT OF (b)(6) TAKEN AT (b)(6), DATED 1 March 2007 CONTINUED

(b)(6)(b) Q: Who phone number is (b)(6), (b)(7)(C)

A: That is mine.

Q: When did you have boots on the ground in Iraq?

A: On or about 9 Apr 04.

Q: Where were you first assigned?

A: Adhamiyah

Q: How long were you there?

A: Month roughly, then my platoon to include (b)(6), (b)(7)(C) went to FOB Volunteer and assigned to C Co, 2/7 CAV, that was attached to 2/162 Oregon National Guard.

Q: When did you leave Volunteer?

A: On or about 1 Jun 04 and we went to Taji.

Q: When did you go to Najaf?

A: About 8 or 9 Aug 04.

Q: When (b)(6), (b)(7)(C) returned to Najaf what did he say about his return?

A: He said that we needed to put him in for an award, I said for what, he said while he was at home he saw us on the news fighting in Najaf and we need to tell everyone that he air assaulted into Najaf and saved the entire platoon and we needed to give him a bronze star.

Q: Is there anyone else he told this to?

A: (b)(6), (b)(7)(C) may have been present. There are several of us that have joked about it, but I do not recall if anyone heard it first hand.

Q: How were you treated during this interview?

A: Courtesy and Professionally

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

A: No. ///End of Statement// (b)(6), (b)(7)(C)

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STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT (b)(6), (b)(7)(C) DATED 1 March 2007 CONTINUED:

STATEMENT (Continued)

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 5. 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.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1st day of March, 2007 at (b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

JA (b)(6), (b)(7)(C)
(Typed Name of Person Administering Oath)

10 USC SEC 936
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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PAGE 5 OF 5 PAGES

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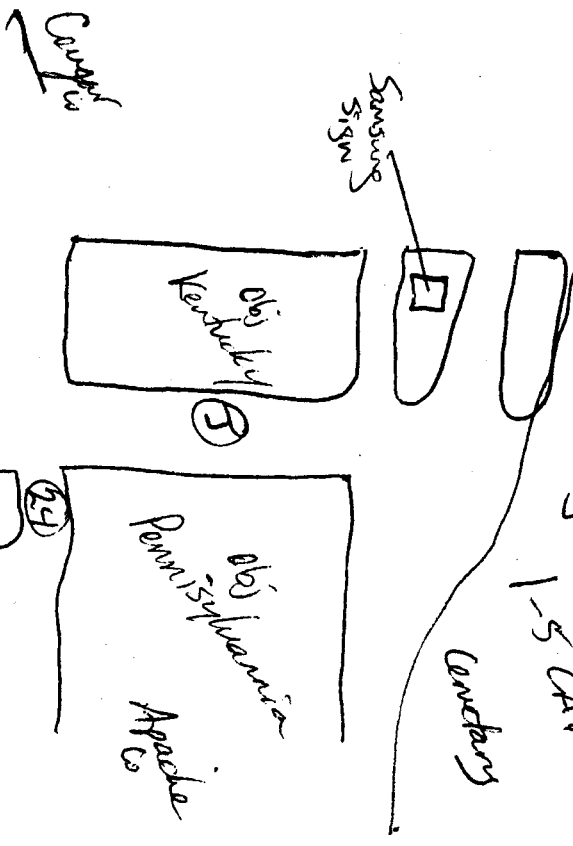
ENCL 411

2411310 Tuss Intel update DAY 13

Seize Kentucky before dark
wheels / tanks

Once est -> wheels move to Kentucky

Pass out around 1600-1700
to Kentucky



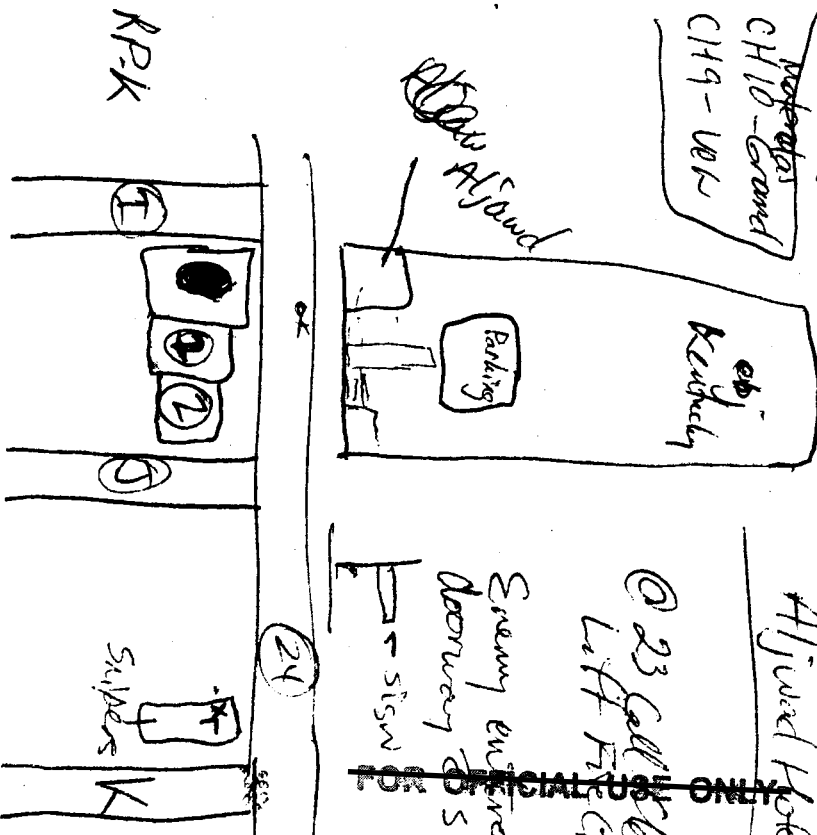
Obi
Christy

Tanks / Bradley - Prop Obi's

2411435
- At Sniper Hotel
Leader Recs

- NJT 1930 Kentucky Seized (H)
- 1730 ASLT on March Obj (Searry)
- 1715 Redcom 2 Ron Christy
- 1700 on vehicles
- 1630 Every P1t Radio monitor!

CH 10 - Grand
CH 19 - Ver



46
Rte - 4 Blks
5 Blks
2 Blks
5 Blks

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LAW ENFORCEMENT SENSITIVE

Inside the ground gear Outside bldg → Gear on Ne T-Shirts during day
take kevlar off scratch

190815 Hotel update

Day 8

We have more ASIP Batteries

24 Aug 04 → Final ASIF Events leading up

1-7 take cables T219 to Camp David to use to phone

Reccon today / Force Protection
Want people S → Normalacy
Near future
BP C3 Destroyer in force
No seizing - just destroy

1- Reccon Rte / Bldgs
Pl Right Seat Ride U

24 Aug 04 → ROS Δ → Medicine - Si tight

- Every in Medicine dies → no upns necessary → Every considered hostile
- Exclusion Zone Zone
- Mosque must not be harmed.
- AC130 Spectre Gun Slip onboard
- Over 1,000 AIF @ Mosque

3-4 Patrols

1- Overwatch L/Sur 1RTS N to Rd bottom of Convent

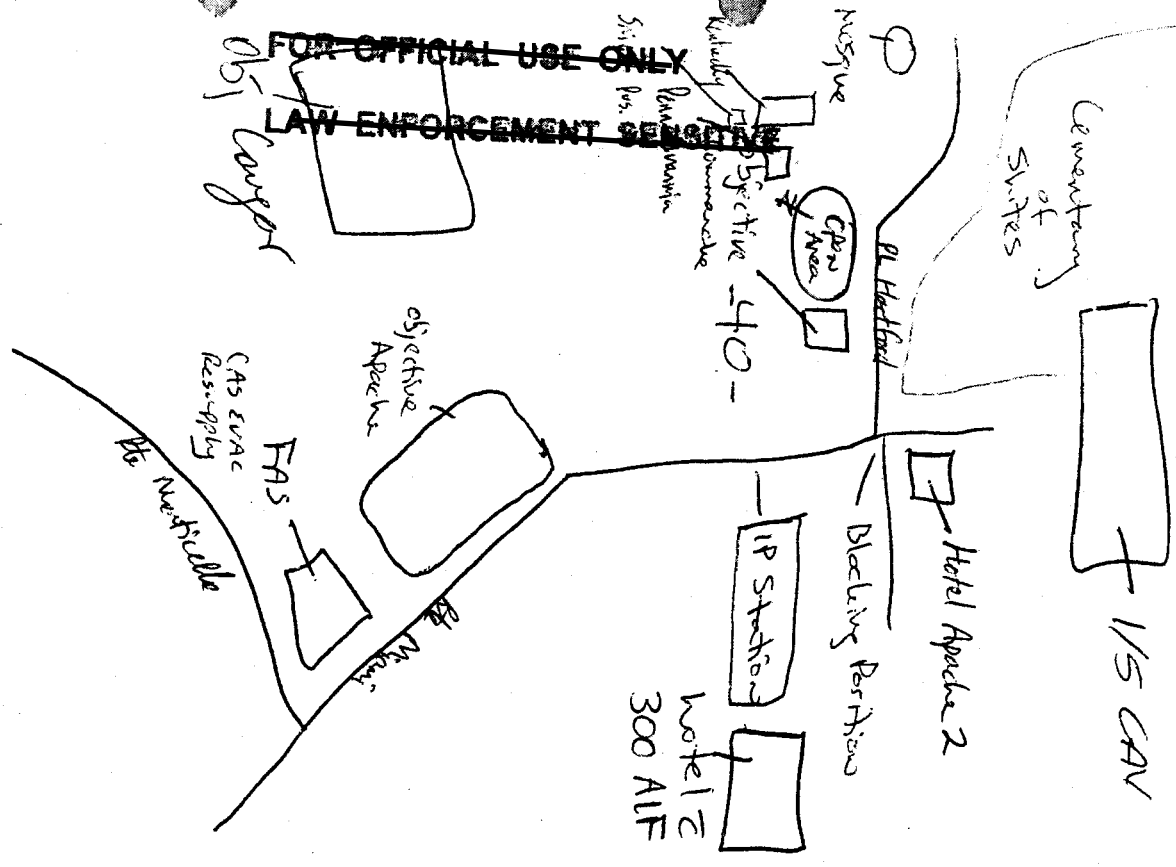
~~Reccon Rtes~~ - Reccon Rtes Christy - BP C3
- Reccon Rtes to Medicine Car ATK

2- 1X Section → Local Security
1X Section → RAR @ Camp

2X Overwatch Tanks
1X Inside Convent

Tomorrow Afternoon → Next offensive

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~~LAW ENFORCEMENT SENSITIVE~~



~~FOR OFFICIAL USE ONLY~~

RIGHTS WAIVER/ENFORCEMENT CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 (b)(6), (b)(7)(C)		2. DATE 2 Mar 07	3. TIME 1205	4. FILE NUMBER (b)(6), (b)(7)(C)
5. Name (Last First MI) (b)(6), (b)(7)(C)		8. ORGANIZATION OR ADDRESS A Company 2nd BN 153rd INF Walnut Ridge, AR 72476		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS SGT/ARNG			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command As A Special Agent and wanted to question me about the following offense(s) of which I am suspected/Accused: ///False Official Statement//
(b)(6), (b)(7)(C)

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-or-

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR (b)(6), (b)(7)(C)	
b. ORGANIZATION OR ADDRESS AND PHONE			
2a. NAME (Type or Print)		5. TYPE NAME OF INVESTIGATOR SA (b)(6), (b)(7)(C)	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR Fort Leonard Wood CID Office Fort Leonard Wood, MO, 65473	

SECTION C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer
 I do not want to be questioned or say anything

2 (b)(6), (b)(7)(C)

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

~~FOR OFFICIAL USE ONLY~~

SWORN STATEMENT

For use of the ~~LAW ENFORCEMENT SENSITIVE~~ SOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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. (b)(6)(b)(7)(C)

1. LOCATION Phillips Armory, AR (CAMP ROBINSON)	2. DATE (YYYYMMDD) 2007 13 02	3. TIME 15:03	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS SSG-E-6/N.G.	

8. ORGANIZATION OR ADDRESS

9. (b)(6), (b)(7)(C)

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

In August of 2004 we were clearing a building in Najaf. SPC (b)(6), (b)(7)(C) Engaged a man with a weapon. After two shots were fired he moved on to another room. CPT (b)(6), (b)(7)(C) then entered the room and fired two more shots. I entered the room after the shots were fire and confirmed that the man was dead.

Q. SA (b)(6), (b)(7)(C)

A. SSG (b)(6), (b)(7)(C)

Q. Did you see either SPC (b)(6), (b)(7)(C) or CPT (b)(6), (b)(7)(C) shoot the man with the weapon?

A. No

Q. Do you know what type of building your unit was clearing?

A. Three Story Building, I don't know what it was used for.

Q. Do you know the mission or objective name with regards to the clearing of the building?

A. No

Q. What type of mission were you on when the incident took place?

A. Raid (b)(6), (b)(7)(C)

Q. Do you know SGT (b)(6), (b)(7)(C) of the Arkansas National Guard?

A. Yes.

10. EXHIBIT	11. IN (b)(6), (b)(7)(C) MAKING STATEMENT	PAGE 1 OF 6 PAGES
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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 BE INDICATED.

~~FOR OFFICIAL USE ONLY~~

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM. (b)(6), (b)(7)(C)

STATEMENT OF SSG (b)(6)(b)(7)(C) TAKEN AT Camp Robinson DATED 2007 10/3/02

9. STATEMENT (Continued)

Q. Was SGT (b)(6), (b)(7)(C) in your unit while deployed to Iraq?

A. Yes

Q. Did SGT (b)(6), (b)(7)(C) go on the mission with your unit

When CPT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) shot the Iraqi man?

A. No.

Q. Do you know where SPC SGT (b)(6), (b)(7)(C) was during the above incident?

A. On Leave.

Q. Did you ever see SGT (b)(6), (b)(7)(C) participate in a Gun battle?

A. No

Q. Do you remember a rules of Engagement briefing (ROE) prior to conducting the mission?

A. Yes, but I don't remember what was said.

Q. Do you recall what type of weapon the man had with him?

A. AK-47

Q. Do you know who would have given you a rules of engagement briefing?

A. Either PL or the Commander

Q. Who is the PL and Commander?

A. PL is (b)(6), (b)(7)(C) and Commander was (b)(6), (b)(7)(C)

Q. Was there an investigation conducted after this mission?

A. No, not that I know of.

Q. Are you aware of SGT (b)(6), (b)(7)(C) crawling up to an IEP and pulling the wires out?

A. No.

Q. Do you know how many squads were involved in the incident?

A. Two Squads

Q. Do you know when you went to Najaf?

A. Aug 04

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 6 PAGES

USE THIS PAGE IF NEEDED. IF THIS STATEMENT IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM (b)(6), (b)(7)(C)

LAW ENFORCEMENT SENSITIVE

STATEMENT OF SSG (b)(6)(b)(7)(C) TAKEN AT Camp Robinson DATED 2007/03/02

9. STATEMENT (Continued)

Q. Do you remember what squad you were with during the mission?

A. No, I don't. I bounced around to different squads.

Q. When you saw CPT (b)(6), (b)(7)(C) next to in the room with the dead Iraqi man was SPC (b)(6), (b)(7)(C) present?

A. No.

Q. During the incident do you know your specific job?

A. Dismount

Q. Did you hear anybody shout "he's got a gun" or words to that effect?

A. I am pretty sure it was SPC (b)(6), (b)(7)(C)

Q. Do you know what happened to the AK47?

A. Left it.

Q. What floor was the dead Iraqi located on?

A. 2nd Floor.

Q. Where was the AK47 positioned on the Iraqi's body?

A. Next to the body

Q. How soon after the shooting that you saw CPT (b)(6), (b)(7)(C) with dead Iraqi?

A. Seconds.

Q. How do you know SPC (b)(6), (b)(7)(C) shot the Iraqi man?

A. He told me.

Q. When did SPC (b)(6), (b)(7)(C) tell you about the shooting?

A. While in Iraq after the incident.

Q. Have you ever had a discussion with CPT (b)(6), (b)(7)(C) about the incident?

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) OFFICIAL USE ONLY PAGE 3 OF (b)(6), (b)(7)(C)

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE REVERSE SIDE OF THIS PAGE OF THIS FORM.

~~LAW ENFORCEMENT SENSITIVE~~

(b)(6), (b)(7)(C)

STATEMENT OF SSG (b)(6), (b)(7)(C) TAKEN AT Camp Robinson DATED 2007/03/02

9. STATEMENT (Continued)

A. yes, when we were in Iraq about cleaning the building.
Q. Have you ever discussed it with CPT (b)(6), (b)(7)(C) since leaving Iraq?

A. No.

Q. When was the last time you talked to CPT (b)(6), (b)(7)(C)

A. About two weeks ago.

Q. What did you discuss?

A. Lifting weights.

Q. Have you ever heard of the call sign "Reaper 6"?

A. No.

Q. Have you ever discussed this incident with SGT (b)(6), (b)(7)(C)

A. No.

Q. When was the last time you talked to SGT (b)(6), (b)(7)(C)

A. Iraq.

Q. Did you hear CPT (b)(6), (b)(7)(C) yell at anyone after the shooting about them not following his orders?

A. No.

Q. Did CPT (b)(6), (b)(7)(C) give an order that "no one comes out alive" or words to that effect?

A. No.

Q. Who was in 1st Squad during the incident?

A. Sgt (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) Sgt (b)(6), (b)(7)(C)

Q. Who was in 2nd Squad during the incident?

A. I can't remember.

Q. Who was in 3rd Squad during the incident?

A. SPC (b)(6), (b)(7)(C) Sgt (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C)

Q. What was done with the Iraqi's dead body? (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

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PAGE 4 OF 6 PAGES

USE THIS PAGE IF NEEDED. IF THE STATEMENT IS CONTINUED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM

LAW ENFORCEMENT SENSITIVE

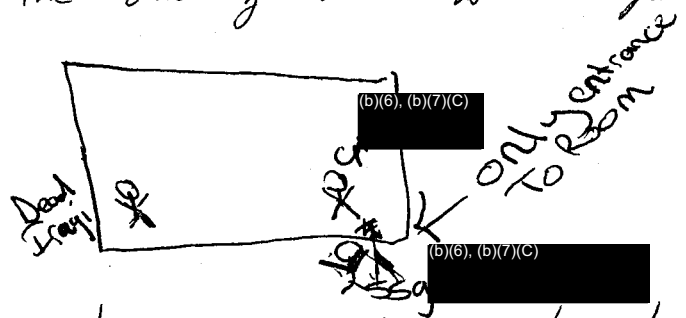
STATEMENT OF SSG (b)(6)(b)(7)(C) TAKEN AT Camp Robinson DATED 2007/09/02

9. STATEMENT (Continued)

A. Left.

Q. Draw me a diagram of the room where CPT was during the shooting and where you were.

A.



Q. Do you have anything else to add to this statement?

A. No. // END OF STATEMENT //

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) ~~SE ONLY~~ PAGE 5 OF 6 (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

STATEMENT OF SSG (b)(6)(b)(7)(C) **LAW ENFORCEMENT SENSITIVE** TAKEN AT Camp Robinson DATED 2007/03/02
11

9. STATEMENT (Continued)

NOT USED

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

(b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. 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)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of March, 2007 at Phillips Army Camp Robinson AR

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C), (b)(7)(F)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

LAW ENFORCEMENT SENSITIVE

(b)(6), (b)(7)(C)

PAGE 6 OF 6 PAGES

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USAPA 9V1.000

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SWORN STATEMENT

File Number : 0066-07-CID045-
Location : West Memphis Police Station, West Memphis, Arkansas, 72301
Date : 2 Mar 07 **Time**: 1505 x (b)(6), (b)(7)(C)
Statement of: (b)(6), (b)(7)(C)
SSN : (b)(6), (b)(7)(C) **Grade/Status**:: CIV
Org/Address : (b)(6), (b)(7)(C)

I, (b)(6), (b)(7)(C) want to make the following statement under oath:

I joined the Arkansas National Guard on 21 Jul 1997. I completed six years and got out. Once I found out the 39th Brigade Combat Team was going to be activated to deploy to Iraq, I rejoined the National Guard to deploy. I deployed to Iraq on Mar 2004. Shortly after being deployed I was assigned as the A Team Leader, 3rd Squad, 3rd Platoon, A Company, 2nd Battalion, 153rd Infantry Regiment, 39th Brigade Combat Team. The last day in July our element left Camp Taji, Iraq to move to FOB Duke, Iraq, which is outside of the city of Najaf, Iraq. I would say we arrived to FOB Duke around 1 Aug 04. Our mission was going to be to assist with clearing the city of insurgents. The mission started on or about 10-12 Aug (Not sure exact dates). We moved to the Zam Zam Hotel (1st Objective) one of the first nights and stayed there for several days (2-3 days) before we moved up to Hartford Avenue. We spent 15 minutes on Hartford avenue till we had to pull out due to too much hostile enemy fire. We stayed the night parked in the street in our vehicles. The next day we took a school. I am not sure the whereabouts of this school but we were moving toward the Mosque. We stayed in this school two nights and then we were inserted by a Bradley Fighting Vehicle, two blocks (300 Meters from the perimeter of the mosque). I am thinking this is the day, which the incident in question happened. This would be around 5-6 days into the Najaf Missions. I don't know where the orders came from to clear what appeared to be an apartment complex. All the drivers, gunners, and Platoon Sergeant stayed with the vehicles. These individuals stayed at the school, they were not with us. Only the dismounts go into clear (Dismounts of 1st Platoon). We all cleared the 1st, 2nd, and 3rd floor of the apartment complex. We got to the last set of stairwells which would take us up to the roof, off the 3rd floor. SPC (b)(6), (b)(7)(C) was the point man, I

INITIALS (b)(6), (b)(7)(C)

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EXHIBIT

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STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT West Memphis, Arkansas, 72364, DATED: 2 Mar 07 CONTINUED:

was number 2, and SSG (b)(6), (b)(7)(C) was behind me. I am thinking this is all that could fit in the stairwell because it was kind of short (6-8 steps). There was a room on the right and a door which opened in (The door swinging away from us). I opened the door and SPC (b)(6), (b)(7)(C) went in. (b)(6), (b)(7)(C) cleared the room to the immediate right, I pulled up and stepped into the doorway. (b)(6), (b)(7)(C) said there is a guy in the corner. I also identified an Iraqi male who was wearing a white dress; he was really pale, greenish grey color (Possibly Sick). (b)(6), (b)(7)(C) said, he is sick or something. I saw the guy up on his knee. (b)(6), (b)(7)(C) moved further into the room and I heard (b)(6), (b)(7)(C) engage three or four times. I was still standing in the door looking in. As soon as (b)(6), (b)(7)(C) engaged, I saw the Iraqi man was slumped over on an AK-47. I said to (b)(6), (b)(7)(C) "He had a gun?" (b)(6), (b)(7)(C) replied, "He had a gun." I thought this man was already dead, I really did not know he was still alive. This is why I asked if he was sick, I was surprised he was still alive. I then told (b)(6), (b)(7)(C) to move out and let's go to keep clearing, because I did not want the Soldier to freeze up. We then moved out and cleared the rest of the apartment complex. There was a kitchen to my front, I cleared another room, (b)(6), (b)(7)(C) cleared the kitchen. We then moved upstairs clearing the roof area. We came back down and LT (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) were coming out of the apartment, which was where (b)(6), (b)(7)(C) had shot the Iraqi man. I then went back down to the third floor to link up with the rest of the platoon. We then moved back down through the building and out the side. We moved on another objective and was shortly extracted by the Bradley Fighting Vehicles. After dark we were reinserted by the Bradley's on another building, where we stayed for approx. 3-4 days during the time of negotiations. After those days they declared a seize fire and we were moved back to Camp David, Iraq, and the next day to FOB Duke, Iraq. We stayed at FOB Duke for another week, then back to Camp Taji, Iraq with the rest of the company.

Q: SA (b)(6), (b)(7)(C)

A: MR (b)(6), (b)(7)(C)

Q: Is the above statement a true recollection of the incident in Iraq?

A: Yes.

Q: To your knowledge, was SGT (b)(6), (b)(7)(C) with your platoon when you were on the mission in Najaf, Iraq?

(b)(6), (b)(7)(C)

INITIALS

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STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT West Memphis, Arkansas, 72364, DATED: 2 Mar 07 CONTINUED:

A: I don't remember SGT (b)(6), (b)(7)(C) anywhere. I know at some point he had left on emergency leave. I am thinking it was during this time. I don't know if I remember him showing back up at FOB Duke, Iraq or when we got back to Camp Taji, Iraq. I know he was not there during the building clearings. I know for sure he was not in that room when SPC (b)(6), (b)(7)(C) shot that Iraqi man. It was just SPC (b)(6), (b)(7)(C) and myself.

Q: Do you know why SGT (b)(6), (b)(7)(C) went on emergency leave?

A: It was some kind of surgery for either Gall bladder or Kidney stones.

Q: When did SGT (b)(6), (b)(7)(C) return to Iraq from emergency leave?

A: I don't remember the first time I saw him, but it was either when we got back to FOB Duke or to Camp Taji.

Q: What were you briefed prior to entering the building that you cleared in Najaf?

A: I know we got some intelligence (I don't know where), that some snipers had shot a forward observer from that building, who was armed and running outside of the building, which we were going to clear. This was the day prior or two days prior to when we went into clear the building. We had to take this building to cross the street, in order to get to where we were receiving all the enemy fire from.

Q: What were your rules of engagement when you cleared a building?

A: Fire if fired upon or if you felt threatened. All my Soldiers knew these rules of engagement. The rules of engagement never changed, it was the same with any of the missions we were on. I do think they briefed if someone was wearing green, which represented the Mahdi Army, we could fire on them because they were considered to be a combatant. I never actually had to worry about this problem because we never saw anybody wearing green until after the seize fire was put out.

Q: Why did SPC (b)(6), (b)(7)(C) shoot the man?

A: SPC (b)(6), (b)(7)(C) was the only one in the room and the Iraqi was armed. I saw the Iraqi man come up on his knee, and he turned around, and had an AK-47.

Q: Who was in the room when SPC (b)(6), (b)(7)(C) shot the man?

A: It was SPC (b)(6), (b)(7)(C) and myself. Nobody else was there. I do not even think SSG (b)(6), (b)(7)(C) was in the door, but I was not looking behind me.

Q: What individuals could provide information about the shooting of the man?

INITIALS (b)(6), (b)(7)(C)

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~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT West Memphis, Arkansas,
72364, DATED: 2 Mar 07 CONTINUED:

A: SPC (b)(6), (b)(7)(C) and myself.

Q: Did you hear any other shots from that room, once you left to clear the roof?

A: I do not remember any other shots from anyone in my platoon in that building. I think it was quiet till we crossed the street.

Q: Did you ever get told by anyone to ensure someone is dead before you leave the room?

A: No Sir.

Q: Did you remove the weapon from the Iraqi man after SPC (b)(6), (b)(7)(C) shot him?

A: I should have but I did not. I don't know what happened in the room after SPC (b)(6), (b)(7)(C) and I left. I never actually went in through the thresh hold of the door, I just looked into the room.

Q: Did you ever discuss this incident with 1LT (b)(6), (b)(7)(C)

A: Yes. When we had gotten back to the school, while eating, we discussed the incident, sort of like a small After Action Review (AAR).

Q: Was anything discussed about anybody other than SPC (b)(6), (b)(7)(C) firing his weapon while clearing that building?

A: To my knowledge, SPC (b)(6), (b)(7)(C) is the only one who fired in that building. I cannot recall if there was another shooting in that building or not. I think this was the only one though.

Q: Did you ever see or hear LT (b)(6), (b)(7)(C) fire at any individuals while clearing that building?

A: No. I don't ever remember seeing or hearing of him ever shooting at anybody.

Q: Prior to the mission in Najaf, did anyone give an order such as "Nobody comes out alive"?

A: This was never given.

Q: What missions did SGT (b)(6), (b)(7)(C) conduct, to your knowledge?

A: I don't know whose team leader he was. I thought he was a gunner. I cannot recall any combat action to where SGT (b)(6), (b)(7)(C) was a part of.

Q: Did you tell SGT (b)(6), (b)(7)(C) the details of the incident when SPC (b)(6), (b)(7)(C) shot that man?

A: I don't recall SGT (b)(6), (b)(7)(C) and I discussing this incident. He could have overheard the story. SGT (b)(6), (b)(7)(C) and I were not friends.

INITIALS (b)(6), (b)(7)(C)

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STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT West Memphis, Arkansas,
72364, DATED: 2 Mar 07 CONTINUED:

Q: Did you conduct surveillance on a supply drop by insurgents (2 to 3 day mission), where attack helicopters were called to eliminate the target?

A: I never called in air support. I never went on a mission for 2-3 days conducting surveillance to call in air support. Most of our missions (LP/OP) only lasted several hours.

Q: Did you ever have air support on any of the missions you conducted?

A: In Najaf, attack helicopters were everywhere; however, we were not working directly with them.

Q: Did SGT (b)(6), (b)(7)(C) ever show you, or give you a copy of video footage of attack helicopters shooting at Iraqi's on a mission.

A: No.

Q: Did you ever witness any Iraqi's floating in any bodies of water?

A: No.

Q: Did you ever restrain any Iraqi's in flexi-cuffs and throw them in the river to drown?

A: No Sir.

Q: Did you ever hear SGT (b)(6), (b)(7)(C) tell any of these stories?

A: I never heard him tell any of these stories.

Q: Why do you think SGT (b)(6), (b)(7)(C) would say these things?

A: LT (b)(6), (b)(7)(C) was not very liked, so SGT (b)(6), (b)(7)(C) might have been saying this stuff to get back at him. I think they may have had some problems at some point. Whether it was for SGT (b)(6), (b)(7)(C) going home or some decision LT (b)(6), (b)(7)(C) made, I am not really sure.

Q: Did LT (b)(6), (b)(7)(C) enter the room, where SPC (b)(6), (b)(7)(C) shot that Iraqi man, and shoot the Iraqi two times in the head?

A: I don't know, I was on the roof. I cannot say yes or no. I was on the roof with SPC (b)(6), (b)(7)(C) and I did not hear any gunshots from any of our men. There was no gunshots from behind me. There was a lot of shooting out in front of us. Nobody ever said anything to me about this incident.

Q: Did anybody from the hallway yell "Shoot Him" or give any orders to kill that man?

A: No Sir. SPC (b)(6), (b)(7)(C) is the one who saw the weapon and made the decision to shoot. I saw the weapon once he was already shot.

Q: Did LT (b)(6), (b)(7)(C) ever give the orders to kill all individuals inside that building?

A: No Sir. Not at any time. During the train up and the deployment, LT (b)(6), (b)(7)(C) ordered everyone to follow the rules of

INITIALS (b)(6), (b)(7)(C)

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STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT West Memphis, Arkansas, 72364, DATED: 2 Mar 07 CONTINUED:

engagement. We conducted this training all the time at the team and platoon level.

Q: Is there anything you wish to add to this statement at this time?

A: No Sir.

///-----END OF STATEMENT-----///

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 6. 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)(6), (b)(7)(C)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of March 2007 at West Memphis, Arkansas, 72364.

(b)(6), (b)(7)(C)

(Administering Oath)

SA

(b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

INITIALS

(b)(6), (b)(7)(C)

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EXHIBIT 12 61



~~LAW ENFORCEMENT SENSITIVE~~
DEPARTMENT OF THE ARMY

US Army Criminal Investigation Command
78th MP Det CID (CASE), 6th MP Group (CID)
406 Pershing Court, PO Box 2365
Fort Riley, Kansas 66442-0365

CANVASS INTERVIEW WORKSHEET

DATE: 3 MAR 2007
TIME: 1850

CASE #: 0066 ⁸⁴⁵
-07-CID025-
AGENT(S): SA (b)(6)(b)(7)(C)
INT

RANK	NAME	SSN	UNIT OR ADDRESS	PHONE #
SSG	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 2/153 IN (b)(6), (b)(7)(C)	H: (b)(6), (b)(7)(C) W:
SSG	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 2/153 rd ARNG (b)(6), (b)(7)(C)	H: W:
SPL	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 2/153 rd IN ARNG (b)(6), (b)(7)(C)	H: W:
SGT	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 2/153 rd ARNG. (b)(6), (b)(7)(C)	H: W:
PU2	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 2/153 rd ARNG (b)(6), (b)(7)(C)	H: W:
SSG	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 2/153 rd ARNG (b)(6), (b)(7)(C)	H: W:
SPL	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 2/153 rd ARNG (b)(6), (b)(7)(C)	H: W:
ILT	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 2/153 rd ARNG (b)(6), (b)(7)(C)	H: W:
SPL	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 2/153 rd ARNG (b)(6), (b)(7)(C)	H: W:
SPL	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 2/153 rd ARNG (b)(6), (b)(7)(C)	H: W:
PFC	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 2/153 rd ARNG (b)(6), (b)(7)(C)	H: W:

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EXHIBIT 162



~~LAW ENFORCEMENT SENSITIVE~~
DEPARTMENT OF THE ARMY

US Army Criminal Investigation Command
78th MP Det CID (CASE), 6th MP Group (CID)
406 Pershing Court, PO Box 2365
Fort Riley, Kansas 66442-0365

CANVASS INTERVIEW WORKSHEET

DATE: 2007
TIME: _____

CASE #: _____ -07-CID025-
AGENT(S): SA (b)(6), (b)(7)(C)
INT _____

RANK	NAME	SSN	UNIT OR ADDRESS	PHONE #
SGT	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 21153 rd ARNG (b)(6), (b)(7)(C)	H: (b)(6), (b)(7)(C) W:
SGT	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	A Co 21153 rd ARNG (b)(6), (b)(7)(C)	H: (b)(6), (b)(7)(C) W:
				H: W:
				H: W:
				H: W:
				H: W:
				H: W:
				H: W:
				H: W:
				H: W:
				H: W:
				H: W:

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EXHIBIT 163



~~LAW ENFORCEMENT SENSITIVE~~
DEPARTMENT OF THE ARMY

US Army Criminal Investigation Command
78th MP Det CID (CASE), 6th MP Group (CID)
406 Pershing Court, PO Box 2365
Fort Riley, Kansas 66442-0365

CANVASS INTERVIEW WORKSHEET

DATE: 3 MAR 07
TIME: 1050-

CASE #: 0266-07-CID 045
AGENT(S): SA (b)(6)(b)(7)(C)

RANK	NAME <small>(b)(6), (b)(7)(C)</small>	SSN <small>(b)(6), (b)(7)(C)</small>	UNIT OR ADDRESS <small>(b)(6), (b)(7)(C)</small>	PHONE # <small>(b)(6), (b)(7)(C)</small>
SPC				H: W:
CASSET E5				H: W:
ET				H: W:
LT				H: W:
PFC				H: W:
SPC				H: W:
E2				H: W:
Sgt				H: W:
SPC				H: W:
SPC B				H: W:
SPC A				H: W:



~~DEPARTMENT OF DEFENSE~~

US Army Criminal Investigation Command
78th MP Det CID (CASE), 6th MP Group (CID)
406 Pershing Court, PO Box 2365
Fort Riley, Kansas 66442-0365

CANVASS INTERVIEW WORKSHEET

DATE: _____
TIME: _____

CASE #: _____
AGENT(S): _____

RANK	NAME	SSN	UNIT OR ADDRESS	PHONE #
			(b)(6), (b)(7)(C)	
ES	(b)(6), (b)(7)(C)			
	(b)(6), (b)(7)(C)			H:
				W:
				H:
				W:
				H:
				W:
				H:
				W:
				H:
				W:
				H:
				W:
				H:
				W:

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~~LAW ENFORCEMENT SENSITIVE~~

Canvass Interviews

- 1. Were you deployed to Iraq with this unit from Oct 03 – Oct 04
- 2. Were you in Iraq and assigned with SGT (b)(6)(b)(7)(C) platoon.
- 3. Have you ever discussed the shooting of an Iraqi male with SGT (b)(6), (b)(7)(C) or CPT (b)(6), (b)(7)(C)
- 4. Did you have a conversation with SGT (b)(6), (b)(7)(C) concerning the shooting.

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LAW ENFORCEMENT SENSITIVE
SWORN STATEMENT

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

LOCATION (b)(6), (b)(7)(C)	DATE 3 Mar 2007	TIME 1145	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 SSG/NG
ORGANIZATION OR ADDRESS A Company 2 nd BN 153 rd INF 39 th IBCT			

(b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA (b)(6), (b)(7)(C)

A: (b)(6), (b)(7)(C)

Q: What was the name of the base where the incident took place?

A: It was not a base. What was it? It was like a shopping mall I guess.

Q: What type of mission was your unit on at the time of the incident?

A: I really could not tell you, all they told us was to clear those two buildings.

Q: Who told you to clear those building?

A: LT (b)(6), (b)(7)(C) gave us the operation orders, but it came down from CPT (b)(6), (b)(7)(C) and I think it came down from higher.

Q: What was SGT (b)(6), (b)(7)(C) mission?

A: He was not even there. Where was SGT (b)(6), (b)(7)(C) Back in the States.

Q: When did SGT (b)(6), (b)(7)(C) return to the United States?

A: Before we went to Najaf, because he took my leave slot.

Q: Was this a Red Cross message?

A: All I know was someone came to me and said SGT (b)(6), (b)(7)(C) was taking my slot.

Q: Did SGT (b)(6), (b)(7)(C) ever go into combat with the unit and engage the enemy?

A: Not to my knowledge.

Q: Did SGT (b)(6), (b)(7)(C) ever go out on mission in Najaf?

A: No, maybe in his mind.

Q: Who provided the Rules of Engagement (ROE)?

A: 2/7 CAV, that our platoon was attached to.

Q: What was the ROE given?

A: I really could not tell you.

Q: Who could tell me the ROE that was given in Najaf?

A: CPT (b)(6), (b)(7)(C) or maybe SFC (b)(6), (b)(7)(C)

Q: Do you just not remember what the ROE was given?

A: Yes.

Q: Who were the individuals in 1st Squad during the incident?

A: SSG (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) that's all I can remember.

Q: What did 2nd Squad do during the incident?

A: We pulling security in the hallway in the stairwell.

Q: Who were the individuals in 2nd Squad?

A: SSG (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C)

Q: Did you see CPT (b)(6), (b)(7)(C) shoot the individual with his gun?

A: No, I was in the stairwell.

Q: Did the man that CPT (b)(6), (b)(7)(C) shot have a weapon?

Q: Did you ever enter the room after CPT (b)(6), (b)(7)(C) shot the man?

A: No we move onto the next room and cleared it.

Q: Was there any investigation conducted after this mission or any other mission?

A: Not to my knowledge, it was not.

Q: Was anyone in the room when CPT (b)(6), (b)(7)(C) shot the individual?

A: That I do not remember (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE
INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE
LINED OUT, AND THE STATEMENT WILL BE CONTINUED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT (b)(6), (b)(7)(C) DATED 3 March 2007
(b)(6), (b)(7)(C) CONTINUED

Is there a written copy of the ROE?

A: Somewhere I think.

Q: Do you know who will have one?

A: I do not have a clue.

Q: During your time in Najaf did you or anyone in your unit engage an enemy that was unarmed?

A: Not to my knowledge.

Q: During your mission in Najaf did you ever find any Iraqis that were unarmed and if so what did you do?

A: Well we found some women and children and we told them to get across the exclusion zone.

Q: Why did you not shot them?

A: Cause the was not armed and posed no threat.

Q: Were you ever approached by anyone besides this office about this shooting?

A: No, I hear rumors. What kind of rumors did you hear? I heard rumors that SGT (b)(6), (b)(7)(C) was mad that the unit was messing him over so he want to start some stuff.

Q: Did you ever hear that CPT (b)(6), (b)(7)(C) ever threaten (b)(6), (b)(7)(C)

A: No.

Q: Have you ever heard of the call sign Reeper 6?

A: No.

Q: When did you have boots on the ground in Iraq?

A: I can't remember, I think around April.

Q: Where were you first assigned?

A: Fort Apache.

Q: How long were you there?

A: Six or seven weeks then we got attached to 2/7 CAV.

Q: When did you go to Najaf?

A: Sometime in August, cause that was my brother's birthday and they took my leave and gave it to (b)(6), (b)(7)(C)

Q: When did (b)(6), (b)(7)(C) returned to Najaf?

A: He return to the unit three days before we left after the fighting was already done.

Q: How were you treated during this interview?

A: Good

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

A: No. ///End of Statement/// (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

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~~LAW ENFORCEMENT SENSITIVE~~

STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT (b)(6), (b)(7)(C) DATED 3

March 2007 CONTINUED:
STATEMENT (Continued)

Not Used

(b)(6), (b)(7)(C)

AFFIDAVIT

(b)(6), (b)(7)(C) (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 OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT (b)(6), (b)(7)(C)

WITNESSES:

(b)(6), (b)(7)(C) Statement)
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of March, 2007 at (b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C)
(Typed Name of Person Administering Oath)

10 USC SEC 936
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

~~FOR OFFICIAL USE ONLY~~

PAGE 3 OF 3 PAGES

SWORN STATEMENT

File Number : 0066-07-CID045-
Location : Walnut Ridge Armory (b)(6)(b)(7)(C)
Date : 3 Mar 07 **Time**: /2' // (b)(6)(b)(7)(C)
Statement of: SFC (b)(6), (b)(7)(C)
SSN : (b)(6), (b)(7)(C)
Grade/Status: E-7/National Guard
Org/Address : 1ST PLT, A Co, 2-153rd Infantry

I, SFC (b)(6), (b)(7)(C) want to make the following statement under oath:

Q: SA (b)(6), (b)(7)(C)

A: SFC (b)(6), (b)(7)(C)

Q: Were you deployed with A Co, 2-153rd Infantry?

A: yes. We deployed in Nov 03 to Fort Hood, TX to train, then in Jan or Feb 04 we went to Fort Polk, LA then we deployed in Mar 04. We went into Kuwait then went through FOB Scandania, then into Baghdad, to Taji or FOB Cook. That's where we operated out of.

Q: Did you spend any time in Najaf?

A: It was like the whole month of Aug '04.

Q: What was your duty position in Najaf?

A: I was first squad leader.

Q: Who were the members of your squad while in Najaf?

A: There were two teams, I was the A team leader, with SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) in my truck. In the other truck was SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C)

Q: Which of the above stated individuals went into the Apartment Complex to clear the building, when SPC (b)(6), (b)(7)(C) shot the armed Iraqi man?

A: Myself, SGT (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C)

Q: Did the other individuals know anything about what happened inside of the building when it was cleared?

A: The other individuals stayed back in the school which we were operating out of. They did not have anything to do with clearing this building.

Q: Where was SGT (b)(6), (b)(7)(C)

A: He came back to the states, and I don't remember if he took his leave for emergency leave or just leave.

Q: Do you know why SGT (b)(6), (b)(7)(C) went on emergency leave?

A: I think his grandfather or grandmother had passed away.

INITIALS (b)(6), (b)(7)(C)

Page 1 of 4

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

STATEMENT OF SFC (b)(6)(b)(7)(C) TAKEN AT National Guard Armory, Walnut Ridge, Arkansas, DATED: 3 Mar 07 CONTINUED:

Q: When did SGT (b)(6), (b)(7)(C) return to Iraq from emergency leave?

A: I didn't see him until he showed up back at Camp Duke, when we were already out of Najaf.

Q: Are you aware of an incident where an Iraqi was shot while a clearing team cleared a burning building in Najaf?

A: Yes, I was on the first floor and stairwell. My squad was pulling security as the others in the building moved up the floors.

Q: What were you briefed prior to entering the building that you cleared in Najaf?

A: We were in the exclusion zone, and once we hit the exclusion zone were told to kill everything. It was in our OpOrd, which came from 1LT (b)(6), (b)(7)(C)

Q: Do you know if this Operation Order was in writing or just verbal?

A: We got the operation order verbally.

Q: Did you hear the shots fired?

A: I do remember hearing shots, but I don't remember how many or what the scenario was. It made our pucker factor go way up.

Q: Did you ever discuss this incident with anyone?

A: I remember being told there was a man in there. They went in the room, he was in there, and they shot him.

Q: Did you ever discuss this incident with SGT (b)(6), (b)(7)(C)

A: I know SGT (b)(6), (b)(7)(C) was present when we discussed what happened in the city. We were all telling stories after we came out of the city, but I don't remember anyone telling SGT (b)(6), (b)(7)(C) any specific details.

Q: Has SGT (b)(6), (b)(7)(C) ever reported any incident involving a murder of an Iraqi to you?

A: No.

Q: Did you conduct surveillance on a supply drop by insurgents (2 to 3 day mission), where attack helicopters were called to eliminate the target?

A: No.

Q: Did you ever have air support on any of the missions you conducted?

A: When we were in Najaf, we had air support. We had air support all the time, technically.

Q: Did you work with any other unit or team which went by the call sign of "Reeper 6"?

A: No not that I remember.

INITIALS (b)(6), (b)(7)(C)

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

EXHIBIT 15 71

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

STATEMENT OF SFC (b)(6)(b)(7)(C) TAKEN AT National Guard Armory, Walnut Ridge, Arkansas, DATED: 3 Mar 07 CONTINUED:

Q: Do you know if CPT (b)(6), (b)(7)(C) Formerly LT (b)(6), (b)(7)(C) shot any Iraqi man in the apartment complex?

A: I heard about it after we had gotten out of the building when we were telling stories.

Q: What did you hear happened in regards to CPT (b)(6), (b)(7)(C)

A: I was under the impression they (CPT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) all went in the room and shot an Iraqi man.

Q: Do you know of just one Iraqi man who was shot, or do you know of another incident?

A: In this complex, this was the only one I knew about.

Q: Did you ever see any bodies floating or drown in any river on any mission while in Iraq?

A: No.

Q: Did you ever hear any stories about any Iraqi's being drowned in the river?

A: No.

Q: Do you have any idea why SGT (b)(6), (b)(7)(C) would want to make any of these stories up?

A: I think he would make some of this stuff up to get back at the leadership because he did not get an award. Further, he had been on medical hold for two and half years and I think he wants a check.

Q: Do you have anything you wish to add to this statement at this time?

A: No.

///-----END OF STATEMENT-----///

INITIALS (b)(6), (b)(7)(C)

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

EXHIBIT 72

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

STATEMENT OF SFC (b)(6)(b)(7)(C) TAKEN AT National Guard Armory, Walnut Ridge, Arkansas, DATED: 3 Mar 07 CONTINUED:

AFFIDAVIT

I, SFC (b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. 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)(6), (b)(7)(C)
[Redacted Signature]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of March 2007 at Walnut Ridge, Arkansas.

(b)(6), (b)(7)(C)
[Redacted Signature]

(Signature of Person Administering Oath)

SA (b)(6), (b)(7)(C)
[Redacted Name]

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

INITIALS (b)(6), (b)(7)(C)
[Redacted Initials]

Page 4 of 4

~~FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE~~

EXHIBIT 15 73

~~LAW ENFORCEMENT SENSITIVE~~

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

LOCATION Roberts Armory, Walnut Ridge, AR	DATE 3 Mar 2007	TIME 12:20 (b)(6), (b)(7)(C)	FILE NUMBER 0066-07-CID045
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS SPC/E-4

ORGANIZATION OR ADDRESS
A Co, 2/153 INF, 39th INV BDE, Walnut Ridge, AR

(b)(6), (b)(7)(C) TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Were you assigned to the unit while deployed in Iraq in 2004?
A: Yes.

Q: Were you assigned with CPT (b)(6), (b)(7)(C) Platoon while detached to the 2/7 CAV?
A: Yes.

Q: Were you assigned with CPT (b)(6), (b)(7)(C) during the battle in Najaf?
A: I was assigned but had left on leave a few days prior?

Q: Was SGT (b)(6), (b)(7)(C) assigned to the Platoon during the battle of Najaf?
A: He was assigned but went on leave prior to the battle. He left a few days after I departed on leave.

Q: Was SGT (b)(6), (b)(7)(C) scheduled to depart on leave during that time?
A: No he went due to a family matter.

Q: What were the dates of your leave?
A: 4 Aug - 20 Aug, it was two weeks.

Q: When you were home on leave did you see or talk to SGT (b)(6), (b)(7)(C)?
A: I seen him in Walmart for a split second.

Q: Do you remember the date you saw him?
A: Towards the end of my leave.

Q: Did you return before or after SGT (b)(6), (b)(7)(C) leave?
A: Before.

Q: Did you take part in any of the fighting in Najaf?
A: No.

Q: Are you aware of the shooting of the Iraqi male in Najaf?
A: Yes.

Q: Did you discuss the incident with CPT (b)(6), (b)(7)(C) or SGT (b)(6), (b)(7)(C)?
A: No.

Q: Did you discuss the incident with SGT (b)(6), (b)(7)(C)?
A: SGT (b)(6), (b)(7)(C) told me that (b)(6), (b)(7)(C) was made to shoot an Iraqi by CPT (b)(6), (b)(7)(C) he did not go into detail concerning the shooting.

Q: Has SGT (b)(6), (b)(7)(C) asked you to make a statement about any incidents in Iraq?
A: Yes, he asked me to make a statement concerning the shooting, my impression is that SGT (b)(6), (b)(7)(C) is upset that he has not received his disability check and blames CPT (b)(6), (b)(7)(C) and wants to do anything he can to take CPT (b)(6), (b)(7)(C) down.

Q: Are you aware of an incident in Iraq where some individuals were on a bank and were shot at by Iraqi Police or Security?
A: Yes, that was myself, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) we were setting up an Observation Point and some Iraqi Police were shooting at us, because they did not know who we were, we did not return fire.

Q: Was SGT (b)(6), (b)(7)(C) with you on the bank?
A: No.

Q: Are you aware of an old lady approaching a check point and was fired on?
A: Yes, she was approaching a Traffic Control Point and when CPT (b)(6), (b)(7)(C) told her to stop she kept approaching so there was a warning shot fired and she fell down. We helped her up and she departed.

Q: Was SGT (b)(6), (b)(7)(C) there for this incident?
A: Yes, probably outside his vehicle pulling security

EXHIBIT	INITIALS OF PERSON (b)(6), (b)(7)(C) NT	PAGE 1 OF 3 PAGES
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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 ___". IF STAMPED OR OTHER MARKS ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

~~LAW ENFORCEMENT SENSITIVE~~

found. 0066-07-CID045

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STATEMENT OF (b)(6)(b)(7)(C) TAKEN AT Walnut Ridge, AK DATED 3 March 2007 CONTINUED

Q: Was he with a female interpreter?

A: I don't think he was with the interpreter, I think SSG (b)(6), (b)(7)(C) was with the interpreter.

Q: Did you ever pull surveillance on a open field and have a helicopter come in and take some insurgents out and then go in and clean up the area.

A: No, but I saw the video on the internet.

Q: Were you part of the operation seen on the internet?

A: No.

Q: Have you ever heard of a call sign "Reeper 6"

A: No.

Q: Is there anything else you want to add to this statement?

A: I think it is wrong what SGT (b)(6), (b)(7)(C) is doing, I know it is a lie.

Q: Is there anything else you want to add to this statement?

A: No. ///END OF STATEMENT/// (b)(6), (b)(7)(C)

~~(b)(6), (b)(7)(C) USE ONLY~~

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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ACLU-RDI 5538 p.75 10-L-0126 ACLE DB# CID ROI 4451

EXHIBIT 16

~~LAW ENFORCEMENT SENSITIVE~~

Error! Reference source not found.

found. 0066-07-CID045

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT Walnut Ridge, AR DATED 3 March 2007 CONTINUED:
STATEMENT (Continued)

not used

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 OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of March, 2007 at **Error! Reference source not found.**

(b)(6), (b)(7)(C)
(h)

SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

10 USC SEC 936
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

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PAGE 3 OF 3 PAGES

AGENT'S INVESTIGATION REPORT

0066-07-CID045-19508

CID Regulation 195-1

PAGE 1 OF 1 PAGES

About 09:00, 24 May 07, SA (b)(6)(b)(7)(C) was contacted by SA (b)(6), (b)(7)(C) Jonesboro AR. FBI who stated his office did not generate a case, but put info in reading file. He stated prosecutor would not pursue due to mental health/PTSD issues of SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 2nd Battalion, 153RD Infantry Regiment, Little Rock AR.

LAW ENFORCEMENT RECORDS CHECK: A check of the U.S. Army Crime Records Center (CRC) found no derogatory information on SGT (b)(6), (b)(7)(C) or CPT (b)(6), (b)(7)(C). A National Crime Information Center (NCIC) check revealed one bad check charge on SGT (b)(6), (b)(7)(C). The same check of CPT (b)(6), (b)(7)(C) found one Possession of Cocaine, and one Ex-Parte Order of Protection.
////////////////////////////////////Last Entry////////////////////////////////////

(b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C)
Special Agent

Fort Leonard Wood CID Office
Fort Leonard Wood, MO 65473

(b)(6), (b)(7)(C)

Date:
24 May 07

Exhibit:
17

CID Form 94