

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

For use of this form, see AR 190-45; the proponent agency is the Office of 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 PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

ROUTINE USES: The Routine Uses that appear at the beginning of the Army's A0190-45 OPMG, Military Police Reporting Program Records (MPRP) system of record notice may apply to this system.

DISCLOSURE: Voluntary, although without the SSN collection, law enforcement records could not be accurately retrieved and the probability of misidentifying an individual would increase significantly.

1. CONTROL INFORMATION

Thru: 4th BCT 82nd Airborne Division, Fort Bragg, NC	USACRC Number: 077688	
To: 4/73rd Cav, 4th BCT 82nd Airborne Division, Fort Bragg, NC	MP Report Number: 00254-2012-CID379	
Referred By: (b)(6) (b)(7)(C) (b)(3)	Sub-Installation: AE09355DC	
	Referral Date: 2013/02/16	Suspense Date: 2013/04/02

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 INFORMATION

Last Name: LORANCE	Cadency:	
First Name: Clint	Grade: O2	
Middle Name: Allen	SSN or ID Number: (b)(6) (b)(7)(C) (b)(3)	Date of Birth:

3. REFERRAL INFORMATION

No.	Offense	Basis	Date	Commander Decision Date: 2013/02/16	
1	Communicating A Threat [5T1]	, UCMJ	2012/06/30	Sexual Harassment: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Action Taken: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
				Reason: Accepted	
2	Murder [5H1A]	, UCMJ	2012/07/02	Sexual Harassment: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Action Taken: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
				Reason: Accepted	
3	Aggravated Assault [5C1B]	, UCMJ	2012/07/02	Sexual Harassment: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Action Taken: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
				Reason: Suspect Being Prosecuted on Other Charges	
4	Dereliction of Duty [5Y2D2]	, UCMJ	2012/07/02	Sexual Harassment: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Action Taken: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
				Reason: Suspect Being Prosecuted on Other Charges	

3. REFERRAL INFORMATION (Continued)				
No.	Offense	Basis	Date	Commander Decision Date: 2013/02/16
5	Fail to Obey General Order [5Y2B0]	, UCMJ	2012/07/02	Sexual Harassment: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Action Taken: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Reason: Suspect Being Prosecuted on Other Charges
6	Obstruction of Justice [5X5]	Art 134, UCMJ	2012/07/02	Sexual Harassment: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Action Taken: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reason: Accepted
7	False Official Statement [5M3A]	Art 107, UCMJ	2012/07/02	Sexual Harassment: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Action Taken: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reason: Accepted
8	Assault With Intent to Murder [5H7]	Article 128, UCMJ	2012/07/02	Sexual Harassment: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Action Taken: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reason: Accepted
9	Aggravated Assault [5C1B]	, UCMJ	2012/07/01	Sexual Harassment: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Action Taken: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Reason: Suspect Being Prosecuted on Other Charges
10	Destruction of Private Property [7J4]	, UCMJ	2012/07/01	Sexual Harassment: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Action Taken: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Reason: Suspect Being Prosecuted on Other Charges

NOTE: For each Offense marked "NO" for "Action Taken", you must supply a Reason.

If "Action Taken" is "Yes" for any Offense, continue to Block 4 and choose the highest level. If you selected "Action Taken" "No" for ALL Offenses, go directly to "Commander's Remarks" (Block 10a) to expand on your Reasons, then sign, date and return the form to the agent specified in "Referred By" (Block 1).

4. ACTION TAKEN	
<input type="checkbox"/> Administrative Non-Adverse Referrals Adverse Personnel Actions	<input type="checkbox"/> Non-Judicial (Article 15) <i>(see details below)</i>
<input checked="" type="checkbox"/> Judicial Court Martial or Civilian Criminal Court	

Non-Judicial Punishment Authority (select one): <input type="checkbox"/> Summarized <input type="checkbox"/> Company Grade <input type="checkbox"/> Field Grade <input type="checkbox"/> Principal Assistant	<input type="checkbox"/> GCMCA Imposed <input type="checkbox"/> General Officer Imposed	Judicial Punishment Authority (select one): <input type="checkbox"/> Summary Court Martial <input type="checkbox"/> Civilian Criminal/Magistrate Jurisdiction: If Other:	<input checked="" type="checkbox"/> General Court Martial <input type="checkbox"/> Special Court Martial
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5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome				
No.	Charged Offense	Plea	Finding Offense	Trial/NJP Finding
1	Willful Discharging A Firearm [5R4B]	Not Guilty	Willful Discharging A Firearm [5R4B]	Guilty
2	Assault With Intent to Murder [5H7]	Not Guilty	Assault With Intent to Murder [5H7]	Guilty
3	Communicating A Threat [5T1]	Not Guilty	Communicating A Threat [5T1]	Guilty
4	Obstruction of Justice [5X5]	Not Guilty	Obstruction of Justice [5X5]	Guilty
5	Making a False Statement [5M3A]	Not Guilty	Making a False Statement [5M3A]	Guilty

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion **TRIAL/NJP 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/NJP Finding				
6	Murder [5H1A]	Not Guilty	Murder [5H1A]	Guilty				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion **TRIAL/NJP 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:				Adverse:				
Agency	Date Referred	Date Responded	Date Imposed	Type of Action	Oral	Written Local	Written OMPF	
Family Advocacy				Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Drug/Alcohol Abuse				Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Special Referral				Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Equal Opportunity				Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Legal Office								
Mental Health								
Relief Agency								
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							
	Bar to Reenlistment							
	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							
	Military Occupational Specialty Reclassification							
	Civilian Debarment	Duration:	<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years <input type="text"/> Life <input type="checkbox"/>

6. ADMINISTRATIVE ACTIONS (Continued)												
Adverse: (Continued)												
Date Imposed	Description											
	Civilian Job Termination											
	Civilian Job Suspension				Duration:	<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	
	Civilian Leave Without Pay				Duration:	<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	
	Loss of Warrant											
	Voluntary Disclosure											
	Restitution (to US Government)				Amount US\$:							
	Restitution (to third party Non-US Government)				Amount US\$:							
	Civil-Civil Action Initiation											
	Other (return to States, etc.)											
	Contract Suspension				Duration:	<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	
	Contract Termination											
	Cost Adjustment				Amount US\$:							
	Bid Rejection											
	Recoupment				Amount US\$:							
	Denial of Continuation											
	Other Contract Action											
7. DETAILS OF ADMINISTRATIVE SEPARATION												
Date Imposed:			Regulation:			Chapter:						
Characterization:									Effective Date:			
NOTE: Proceed to Commander's Remarks (Block 10a) if you chose Administrative Action in Block 6 or 7.												
8. NON-JUDICIAL/JUDICIAL SANCTIONS												
Date Adjudged	Sanction											
	Fine		Amount US\$:									
	Forfeiture		Amount US\$:		Duration:	<input type="text"/>	Days	<input type="text"/>	Months			
	Extra Duty		Days: 0									
	Restriction		Days: 0									
	Correctional Custody		Days: 0									
2013/08/01	Confinement		Duration: 20		<input type="text"/>	Days	<input type="text"/>	Months	<input checked="" type="checkbox"/>	Years	<input type="text"/>	Life
	Bad Conduct Discharge		Effective Date:									
	Dishonorable Discharge		Effective Date:									
	Reduction in Grade				From:		To:					
	Probation		Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years		
	Special Assignment		Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years		
2013/08/01	Total Forfeiture (all pay/allowance)		Duration: 20		<input type="text"/>	Days	<input type="text"/>	Months	<input checked="" type="checkbox"/>	Years	<input type="text"/>	Life
	Death Sentence											
	Civil Recovery		Amount US\$:									
	Civil Award		Amount US\$:									
2013/08/01	Dismissal (Officer Only)		Effective Date: 2018/06/14									
	Domestic Violence				Yes:	<input type="text"/>	No:	<input type="text"/>				
	Prohibited From Firearm Possession/Use IAW 18 U.S. Code Section 922(g)				Yes:	<input type="text"/>	No:	<input type="text"/>				

9. SUSPENDED SANCTIONS																
Were Any Sanctions Suspended? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No NOTE: If no sanctions were suspended, proceed to "Commander's Remarks" (Block 10a).																
Suspended Sanction	Suspended Sanction Information															
Fine	Date Suspended:				Suspension Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspended Portion US\$:															
	Suspension Conditions:															
Forfeiture	Date Suspended:				Suspension Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspended Portion US\$:				Suspended Portion Time:		<input type="text"/>	Days	<input type="text"/>	Months						
	Suspension Conditions:															
Extra Duty	Date Suspended:				Suspension Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspended Portion Time:				<input type="text"/>	Days	<input type="text"/>	Months								
	Suspension Conditions:															
Restriction	Date Suspended:				Suspension Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspended Portion Time:				<input type="text"/>	Days										
	Suspension Conditions:															
Correctional Custody	Date Suspended:				Suspension Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspended Portion Time:				<input type="text"/>	Days										
	Suspension Conditions:															
Confinement	Date Suspended: 2014/12/31				Suspension Duration: 1		<input type="text"/>	Days	<input type="text"/>	Months	<input checked="" type="checkbox"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspended Portion Time: 1				<input type="text"/>	Days	<input type="text"/>	Months	<input checked="" type="checkbox"/>	Years	<input type="text"/>	Life				
	Suspension Conditions: Convening authority reduced confinement to 19 years															
Reduction in Grade	Date Suspended:				Suspension Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspension Conditions:															
Probation	Date Suspended:				Suspension Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspended Portion Time:				<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined		
	Suspension Conditions:															
Special Assignment	Date Suspended:				Suspension Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspended Portion Time:				<input type="text"/>	Days	<input type="text"/>	Months								
	Suspension Conditions:															
Total Forfeiture	Date Suspended: 2014/12/31				Suspension Duration: 1		<input type="text"/>	Days	<input type="text"/>	Months	<input checked="" type="checkbox"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspended Portion Time: 1				<input type="text"/>	Days	<input type="text"/>	Months	<input checked="" type="checkbox"/>	Years	<input type="text"/>	Life				
	Suspension Conditions: Convening authority reduced to 19 years															
Civil Recovery	Date Suspended:				Suspension Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspended Portion US\$:															
	Suspension Conditions:															
Civil Award	Date Suspended:				Suspension Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life	<input type="text"/>	Undetermined
	Suspended Portion US\$:															
	Suspension Conditions:															
Administrative Separation	Date Suspended:				Suspension Duration:		<input type="text"/>	Days	<input type="text"/>	Months	<input type="text"/>	Years	<input type="text"/>	Life		
	Suspension Conditions:															

10a.	Commander's Remarks
<p>General Court-Martial dated 29 July 2013 Sentence: To forfeit all pay and allowances to be confined for 20 years; and to be dismissed.</p> <p>-----</p> <p>DA Form 4833 updated on 29 Jun 18 by SA (b)(6) (b)(7)(C) HQUSACIDC, based on General Court Martial Order #7, dated 22 Jun 18, from HQ, Department of the Army, Washington, DC, and signed by Mr. (b)(6) (b)(7)(C) Clerk of the Court. Previous version failed to reflect the dismissal in Section 8, failed to reflect the reduced confinement sentence by the convening authority in Section 9, and failed to reflect the collection of DNA in Section 11 in accordance with Title 10 US Code Section 1565.</p> <p>Further, GCMO #7 reflected that on 27 Jun 17, the US Army Court of Criminal Appeals affirmed the findings of guilt and the sentence. The conviction became final on 19 Dec 17, when the US Court of Appeals for the Armed Forces denied the accused's petition for a grant of review. On 14 Jun 18, GEN (b)(6) (b)(7)(C) US Army Chief of Staff, ordered that 1LT Lorange ceased to be a member of the US Army at midnight on 14 Jun 18.</p> <p>On 15 November 2019, Lorange was granted a full and unconditional pardon by the President of the United States for his conviction while serving as a commissioned officer in the United States Army by a United States Army general court-martial convened in Fort Bragg, North Carolina, for violation of Articles 80 (one specification), 118 (two specifications), and 134 (five specifications), Uniform Code of Military Justice, for which he was sentenced on August 1, 2013, to forfeiture of all pay and allowances, confinement for nineteen (19) years (as amended from twenty (20) years on December 31, 2014), and dismissal from service.</p>	
Checked box indicates that Commander's Remarks continue on the following page. <input type="checkbox"/>	
11. COMMANDING OFFICER OR REPORTING OFFICER	
Was a DNA sample collected from the offender? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name: (b)(6) (b)(7)(C)	Grade: (b)(6) (b)(7)(C)
Official E-Mail Address:	
Signature (b)(6) (b)(7)(C)	Signature Date: 2013/08/07

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DEPARTMENT OF THE ARMY

U.S. ARMY CRIMINAL INVESTIGATION COMMAND

Kandahar CID Office

Kandahar Airfield, APO AE 09355-0000

06 Aug 2013

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 1ST FINAL SUPPLEMENTAL/SSI -
0254-2012-CID379-77688 - 5H1A / 5H9C2 / 5H7 / 5C1B / 7J4 / 5M3A / 5X5 /
5T1 / 5Y2B0 / 5R4B / 5Y2D2

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 JUL 2012, 1700 - 01 JUL 2012, 1800; GUARD TOWER, STRONG POINT
PAYENZAI 09370, AFGHANISTAN

2. 02 JUL 2012, 0710 - 02 JUL 2012, 0730; NEAR, STRONG POINT PAYENZAI
09370, AFGHANISTAN

3. 02 JUL 2012, 0740 - 02 JUL 2012, 0800; NEAR, STRONG POINT PAYENZAI
09370, AFGHANISTAN

4. 30 JUN 2012, 1700 - 30 JUN 2012, 1715; ENTRY CONTROL POINT, STRONG
POINT PAYENZAI APO AE 09370, AFGHANISTAN

DATE/TIME REPORTED: 04 JUL 2012, 1441

INVESTIGATED BY:

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

SUBJECT:

1. (b)(6) (b)(7)(C) (b)(3) XXX- (b)(6) (b)(7)(C) (b)(3) DOB); (POB); MALE;
WHITE: (b)(6) (b)(7)(C) (b)(3)

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(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) DERELICTION OF DUTY (UNFOUNDED)], [FAIL TO OBEY
GENERAL ORDER (UNFOUNDED)], [AGGRAVATED ASSAULT (UNFOUNDED)]

2. (b)(6) (b)(7)(C) (b)(3)

XXX- (b)(6) (b)(7)(C) (b)(3) DOB: (POB):

MALE: WHITE (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) [MURDER (UNFOUNDED)], [DERELICTION OF
DUTY (UNFOUNDED)], [FAIL TO OBEY GENERAL ORDER (UNFOUNDED)],
[AGGRAVATED ASSAULT (UNFOUNDED)]

3. (b)(6) (b)(7)(C) (b)(3)

XXX- (b)(6) (b)(7)(C) (b)(3) DOB: (POB);

MALE: WHITE (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) DERELICTION OF DUTY (UNFOUNDED)],
[FAIL TO OBEY GENERAL ORDER (UNFOUNDED)], [AGGRAVATED ASSAULT
(UNFOUNDED)], [DEATH BY FRIENDLY FORCES]

4. LORANCE, CLINT ALLEN; 1LT; XXX- (b)(6) (b)(7)(C) (b)(3) DOB: (POB); MALE;
WHITE; C TROOP, 4TH SQUADRON, 73RD CAVALRY REGIMENT, 4TH BRIGADE
COMBAT TEAM, 82ND AIRBORNE DIVISION, STRONG POINT PAYENZAI APO AE
09370, AF; CT; [ASSAULT WITH INTENT TO MURDER], [WILLFUL DISCHARGING
A WEAPON IN CIRCUMSTANCES TO ENDANGER HUMAN LIFE],
[COMMUNICATING A THREAT], [DESTRUCTION OF PRIVATE PROPERTY
(UNFOUNDED)], [FAIL TO OBEY GENERAL ORDER (UNFOUNDED)],
[OBSTRUCTION OF JUSTICE], [DERELICTION OF DUTY (UNFOUNDED)],
[MURDER], [FALSE OFFICIAL STATEMENT], [AGGRAVATED ASSAULT
(UNFOUNDED)]

5. (b)(6) (b)(7)(C) (b)(3)

XXX- (b)(6) (b)(7)(C) (b)(3) DOB: (POB): MALE:

WHITE (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) WILLFUL DISCHARGING A WEAPON IN CIRCUMSTANCES TO
ENDANGER HUMAN LIFE], [AGGRAVATED ASSAULT (UNFOUNDED)],
[DESTRUCTION OF PRIVATE PROPERTY (UNFOUNDED)], [DERELICTION OF
DUTY (UNFOUNDED)]

6. (b)(6) (b)(7)(C) (b)(3)

XXX- (b)(6) (b)(7)(C) (b)(3) DOB: (POB):

MALE: WHITE (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) DERELICTION OF DUTY (UNFOUNDED)],

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[AGGRAVATED ASSAULT (UNFOUNDED)], [FAIL TO OBEY GENERAL ORDER],
[DEATH BY FRIENDLY FORCES]

7. (b)(6) (b)(7)(C) (b)(3) XXX- (b)(6) (b)(7)(C) (b)(3) DOB); (POB); MALE;
WHITE (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) WILLFUL DISCHARGING A WEAPON IN CIRCUMSTANCES TO
ENDANGER HUMAN LIFE], [AGGRAVATED ASSAULT (UNFOUNDED)],
[DESTRUCTION OF PRIVATE PROPERTY (UNFOUNDED)], [DERELICTION OF
DUTY (UNFOUNDED)]

8. (b)(6) (b)(7)(C) (b)(3) (XXX- (b)(6) (b)(7)(C) (b)(3) DOB); (POB);
MALE; WHITE (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) DERELICTION OF DUTY (UNFOUNDED)],
[FAIL TO OBEY GENERAL ORDER (UNFOUNDED)], [AGGRAVATED ASSAULT
(UNFOUNDED)], [DEATH BY FRIENDLY FORCES]

9. (b)(6) (b)(7)(C) (b)(3) XXX- (b)(6) (b)(7)(C) (b)(3) DOB); (POB); MALE;
WHITE (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) DERELICTION OF DUTY

VICTIM:

1. (b)(6) (b)(7)(C) FRCIV; (DOB); (POB); MALE; ASIAN; PAYENZAI,
AF; [AGGRAVATED ASSAULT (UNFOUNDED)]

2. (b)(6) (b)(7)(C) FRCIV; (DOB); (POB); MALE; ASIAN; PAYENZAI,
AF; [AGGRAVATED ASSAULT (UNFOUNDED)], [ASSAULT WITH INTENT TO
MURDER]

3. HAQ, ABDUL (DECEASED); FRCIV; (DOB); (POB); MALE; ASIAN;
PAYENZAI, AF; [MURDER]

4. MOHAMMED ASLAM, HAJI (DECEASED); FRCIV; (DOB); (POB); MALE;
ASIAN; PAYENZAI, AF; [MURDER]

5. UNKNOWN (b)(6) (b)(7)(C); FRCIV; MALE; ASIAN;
[WILLFUL DISCHARGING A WEAPON IN CIRCUMSTANCES TO ENDANGER
HUMAN LIFE], [AGGRAVATED ASSAULT (UNFOUNDED)] (NFI)

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6. MOHAMMED, JAM (DECEASED); FRCIV; (DOB); (POB); MALE; ASIAN; PAYENZAI, AF; [AGGRAVATED ASSAULT (UNFOUNDED)], [DEATH BY FRIENDLY FORCES]

7. (b)(6) (b)(7)(C) FRCIV; AFGHANISTAN; (DOB); (POB); MALE; ASIAN; PAYENZAI, AF; [COMMUNICATING A THREAT]

8. (b)(6) (b)(7)(C) FRCIV; AFGHANISTAN; (DOB); (POB); MALE; ASIAN; PAYENZAI, AF; [DESTRUCTION OF PRIVATE PROPERTY (UNFOUNDED)]

9. U.S. GOVERNMENT; [OBSTRUCTION OF JUSTICE], [FAIL TO OBEY GENERAL ORDER (UNFOUNDED)], [DERELICTION OF DUTY (UNFOUNDED)], [FAIL TO OBEY GENERAL ORDER], [DERELICTION OF DUTY], [FALSE OFFICIAL STATEMENT]

INVESTIGATIVE SUMMARY:

This is an Operation Enduring Freedom Investigation.

During an administrative review of the original Report of Investigation by the U.S. Army Crime Records Center, it was noted that Exhibit 126, a CD containing the Digital Forensic Examination, contained classified data. This 1st Final Supplemental ROI adds the appropriate classification markings throughout the report.

About 1441 4 Jul 12, this office was notified by (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) that 1LT LORANCE ordered (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) to unlawfully shoot at three Afghan males riding a motorcycle that resulted in the death of two.

Investigation established probable cause to believe 1LT LORANCE committed the offenses of Murder, Assault with the Intent to Commit Murder, and False Official Statement, when he unlawfully briefed his subordinates false Rules of Engagement (ROE), stating they were authorized to target local Afghans on motorcycles, and subsequently ordered his subordinates to engage Mr. A. MOHAMMED, Mr. HAQ and Mr. (b)(6) (b)(7)(C) which resulted in the murder of Mr. A. MOHAMMED and Mr. HAQ.

Investigation established probable cause to believe 1LT LORANCE committed the offense of Obstruction of Justice, when he falsely reported not being able to conduct a Battle Damage Assessment regarding the shooting of Mr. A. MOHAMMED, Mr. HAQ and Mr. (b)(6) (b)(7)(C) in an effort to hide his unlawful orders.

Investigation established probable cause to believe 1LT LORANCE committed the offense of Willful Discharge of a Firearm in Circumstances such as to Endanger Human Life when he

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ordered (b)(6) (b)(7)(C) (b)(3) to conduct harassing fire.

Investigation established probable cause to believe 1LT LORANCE committed the offense of Communicating a Threat when he threatened to kill Mr. (b)(6) (b)(7)(C) at the Entry Control Point of Strong Point Paynzai.

Investigation established probable cause to believe 1LT LORANCE committed the offense of False Official Statement when he reported via radio to his higher element an Un-explored Ordinance Report citing his unit discovered a 20 to 30 pounds HME IED, a statement he knew to be false.

Investigation established probable cause to believe (b)(6) (b)(7)(C) (b)(3) committed the offenses of Willful Discharge of a Firearm in Circumstances such as to Endanger Human Life when they conducted harassing fire directed at non-combatants at the unlawful orders of 1LT LORANCE.

Investigation established probable cause to believe (b)(6) (b)(7)(C) (b)(3) committed the offense Failure to Obey a General Order, when failed to follow established Standard Operating Procedures prior to engaging Mr. J. MOHAMMED.

Investigation established probable cause to believe (b)(6) (b)(7)(C) (b)(3) committed the offense of Dereliction of Duty when he failed to report to his chain of command the unlawful harassing fire committed by (b)(6) (b)(7)(C) (b)(3) and ordered by 1LT LORANCE.

Investigation established probable cause to believe (b)(6) (b)(7)(C) (b)(3) did not commit the offenses of Murder, Dereliction of Duty, Aggravated Assault, and Failure to Obey a General Order, when he engaged Mr. A. MOHAMMED, Mr. HAQ and Mr. (b)(6) (b)(7)(C) (b)(3) as he had a reasonable belief the orders given by 1LT LORANCE were lawful.

Investigation established probable cause to believe (b)(6) (b)(7)(C) (b)(3) did not commit the offenses of Dereliction of Duty, Aggravated Assault, and Failure to Obey a General Order, when he engaged Mr. A. MOHAMMED, Mr. HAQ and Mr. (b)(6) (b)(7)(C) (b)(3) as he had a reasonable belief the orders given by 1LT LORANCE were lawful.

Investigation established probable cause to believe (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) did not commit the offenses Aggravated Assault, Failure to Obey a General Order, and Dereliction of Duty when they engaged Mr. (b)(6) (b)(7)(C) on the orders of (b)(6) (b)(7)(C) (b)(3) who believed Mr. (b)(6) (b)(7)(C) had displayed sufficient hostile intent.

Investigation established probable cause to believe 1LT LORANCE, (b)(6) (b)(7)(C) (b)(3) did not committed the offense of Destruction of Private Property, as the incident did not meet the elements of the offense.

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Investigation determined (b)(6) (b)(7)(C) (b)(3) were justified in their killing of Mr. J. MOHAMMED, after (b)(6) (b)(7)(C) (b)(3) believed Mr. J. MOHAMMED had demonstrated sufficient hostile intent.

(b)(6) (b)(7)(C) Trial Counsel, Office of the Staff Judge Advocate, 82nd Airborne Division, Fort Bragg, NC 28310, concurred with the findings of this office.

STATUTES:

Article 118, UCMJ: Murder

Article 134, UCMJ: Assault with the Intent to Commit Murder

Article 134, UCMJ: Communicating a Threat

Article 134, UCMJ: Willful Discharge of a Firearm in Circumstances such as to Endanger Human Life

Article 134, UCMJ: Obstruction of Justice

Article 134, UCMJ: False Official Statement

Article 92, UCMJ: Failure to Obey a General Order

Article 92, UCMJ: Dereliction of Duty

Article 128, UCMJ: Aggravated Assault (UNFOUNDED)

Article 109, UCMJ: Destruction of Private Property

EXHIBITS:

ATTACHED:

1. Agent's Investigation Report (AIR) of (b)(6) (b)(7)(C) (b)(3) 7 Jul 12.
2. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 30 Jun 12.
3. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 30 Jun 12.
4. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
5. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
6. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
7. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
8. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.

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9. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
10. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
11. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
12. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
13. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
14. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
15. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
16. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
17. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
18. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
19. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
20. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
21. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
22. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
23. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
24. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
25. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
26. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
27. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 12.
28. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 3 Jul 12.
29. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 3 Jul 12.

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- 30. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 3 Jul 12.
- 31. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 3 Jul 12.
- 32. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 33. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 34. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 35. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 36. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 37. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 38. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 39. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 40. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 41. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 42. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 43. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jul 12.
- 44. Photographs of Engagement area and Battlefield Damage Assessment, 7 Jul 12.
- 45. Waiver Certificate and Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 6 Jul 12.
- 46. Waiver Certificate and Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 6 Jul 12.
- 47. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 6 Jul 12.
- 48. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 6 Jul 12.
- 49. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 6 Jul 12.
- 50. Waiver Certificate and Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 6 Jul 12.

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51. Waiver Certificate, Sworn Statement, and drawn sketch of (b)(6) (b)(7)(C) (b)(3) 6 Jul 12.
52. Non-Waiver Certificate of (b)(6) (b)(7)(C) (b)(3) 6 Jul 12.
53. Crime Scene AIR of (b)(6) (b)(7)(C) (b)(3) 7 Jul 12.
54. Crime Scene AIR of (b)(6) (b)(7)(C) (b)(3) 7 Jul 12.
55. Crime Scene AIR of (b)(6) (b)(7)(C) (b)(3) 7 Jul 12.
56. AIR of (b)(6) (b)(7)(C) (b)(3) 12 Jul 12.
57. Waiver Certificate and Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jul 12.
58. Waiver Certificate and Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jul 12.
59. Canvass Interview Worksheet, 7 Jul 12.
60. Waiver Certificate and Sworn Statement of (b)(6) (b)(7)(C) (b)(3) Jul 12.
61. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 8 Jul 12.
62. Sworn Statement and handwritten notes of (b)(6) (b)(7)(C) (b)(3) 8 Jul 12.
63. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 8 Jul 12.
64. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 8 Jul 12.
65. Canvass Interview Worksheet, 8 Jul 12.
66. Non-Waiver Certificate of 1LT LORANCE, 9 Jul 12.
67. Authorization for Search and Seizure, 9 Jul 12.
68. Preservation Letter for Army Knowledge Online, 10 Jul 12.
69. Preservation Letter for Yahoo!, 10 Jul 12.
70. AIR of (b)(6) (b)(7)(C) (b)(3) 18 Jul 12.
71. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 14 Jul 12.

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- 72. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 14 Jul 12.
- 73. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 14 Jul 12.
- 74. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 14 Jul 12.
- 75. Sworn Statement of (b)(6) (b)(7)(C) (b)(3), 14 Jul 12.
- 76. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 16 Jul 12.
- 77. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 16 Jul 12.
- 78. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 16 Jul 12.
- 79. Duty Officers Log, 16 Jul 12.
- 80. AIR of (b)(6) (b)(7)(C) (b)(3) 28 Jul 12.
- 81. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 19 Jul 12.
- 82. Pre-Deployment Health Assessment pertaining of ILT LORANCE, 19 Jul 12.
- 83. Sworn Statement and hand drawn sketch of (b)(6) (b)(7)(C) (b)(3) 19 Jul 12.
- 84. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 20 Jul 12.
- 85. Sworn Statement and hand drawn sketch of (b)(6) (b)(7)(C) (b)(3) 20 Jul 12.
- 86. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 20 Jul 12.
- 87. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 20 Jul 12.
- 88. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 20 Jul 12.
- 89. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 25 Jul 12.
- 90. E-mails of (b)(6) (b)(7)(C) (b)(3) 26 Jul 12.
- 91. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 25 Jul 12.
- 92. Authorization for Search and Seizure, 27 Jul 12.

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- 93. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 28 Jul 12.
- 94. AIR of (b)(6) (b)(7)(C) (b)(3) 13 Aug 12.
- 95. Photographs of fuel tank, 30 Jul 12.
- 96. E-mails obtained from PST File, various dates.
- 97. AIR of (b)(6) (b)(7)(C) (b)(3) 14 Aug 12.
- 98. Medical records of Mr. (b)(6) (b)(7)(C) 14 Aug 12.
- 99. Mental Health records of 1LT LORANCE, 19 Jul 12.
- 100. AIR of (b)(6) (b)(7)(C) (b)(3) 24 Sep 12.
- 101. Memorandum documenting Computer Analysis File (b)(6) (b)(7)(C) (b)(3) 18 Sep 12.
- 102. AIR of (b)(6) (b)(7)(C) (b)(3) 30 Jul 12.
- 103. AIR of (b)(6) (b)(7)(C) (b)(3) 29 Aug 12.
- 104. CD Containing RFA Documents from (b)(6) (b)(7)(C) (b)(3) 29 Aug 12.
- 105. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 7 Aug 12.
- 106. AIR of (b)(6) (b)(7)(C) (b)(3) 4 Aug 12.
- 107. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 3 Aug 12.
- 108. AIR of (b)(6) (b)(7)(C) (b)(3) 9 Jan 13.
- 109. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 23 Oct 12.
- 110. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 25 Oct 12.
- 111. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 26 Oct 12.
- 112. AIR of (b)(6) (b)(7)(C) (b)(3) 11 Jan 13.
- 113. Evidence/Property Custody Document (EPCD), Document Number (DN) 799-12, 8 Jul 12.

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- 114. EPCD, DN 793-12, 9 Jul 12.
- 115. EPCD, DN 792-12, 10 Jul 12.
- 116. EPCD, DN 785-12, 17 Jul 12.
- 117. EPCD, DN 786-12, 19 Jul 12.
- 118. Forensic Laboratory Examination Request (FLER), 25 Jul 12. (USACRC and file copies only)
- 119. EPCD, DN 843-12, 31 Jul 12.
- 120. Photographic Packet (1st PLT P.I.R.), 7 Jul 12.
- 121. Photographic Packet (Crime Scene), 7 Jul 12.
- 122. Photographic Packet (Crime Scene), 7 Jul 12.
- 123. Photographic Packet (Crime Scene), 7 Jul 12.
- 124. CD containing original images and photographs associated with Exhibits 119, 120, 121 and 122. (USACRC and file copies only)
- 125. CD containing PST File, 7 Aug 12. (USACRC and file copies only)
- 126. CD contains Digital Forensic Exam Findings

NOT ATTACHED:

Retained within the files of Regional Command (South), Kandahar Airfield, APO AE 09355:

- 127. SIGACTS and CONOPS, 13 Jul 12.
- 128. CONOPS and Storyboards, 13 Jul 12.
- 129. E-mails from (b)(6) (b)(7)(C) (b)(3) 14 Jul 12.
- 130. Aerial Photographs of the deceased, 18 Jul 12.

The originals of Exhibits 1 through 21, 27 through 97, 100 through 112, 120 through 126 are attached to the USACRC copy of this report. The originals of Exhibits 22 through 26 are

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maintained in the files of C Troop, 4th Squadron, 73rd Cavalry Regiment, 4th BCT, 82nd ABN DIV, Fort Bragg, NC 28310. The originals of Exhibits 113 through 117 and 119 are retained in the files of the Evidence Depository, Camp Arifjan, Kuwait, APO AE 09366. The originals of Exhibit 99 through 99 are retained within the files of the Role 3 Clinic, Kandahar Airfield, APO AE 09355. The original of Exhibit 118 is retained in the files of the United States Army Criminal Investigative Laboratory, Forest Park, GA.

STATUS: This is a Final Report. Commander's Report of Disciplinary or Administrative Action (DA Form 4833) is required.

CID reports of investigation may be subject to a Quality Assurance Review by CID higher headquarters.

Report Prepared By:

Report Approved By:

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DISTRIBUTION:

Dir, USACRC, Quantico, VA
FILE

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

PAGE 1 OF 8 PAGES

DETAILS

BASIS FOR INVESTIGATION: About 1441, 4 Jul 12, this office was notified by (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) that Platoon Leader 1LT Clint A. LORANCE, XXX-(b)(6) (b)(7)(C) (b)(3) C Troop (C TRP), 4th Battalion, 73rd Calvary (4/73rd CAV), 4th Brigade Combat Team (BCT), 82nd Airborne Division (ABN DIV), Strong Point (SP) Payanzai, Afghanistan 09370, while conducting a dismounted patrol from Entry Control Point (ECP) at SP Payanzai to Sarenzai Village, ordered (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) to shoot at three male Afghans riding a motorcycle that resulted in the death of two.

About 0800, 30 Jun 12, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 2359, 30 Jun 12, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1015, 5 Jul 12, (b)(6) (b)(7)(C) (b)(3) this office, interviewed Mr. (b)(6) (b)(7)(C) who provided a verbal statement wherein he stated that he and his father were farmers and on the day of the incident they were working in the grape fields irrigating and planting crops. Mr. (b)(6) (b)(7)(C) stated he and his father rode their motorcycle from their village to their fields because it was too hot to walk. Mr. (b)(6) (b)(7)(C) stated the motorcycle was parked on the side of the road while he and his father worked. Mr. (b)(6) (b)(7)(C) stated while they worked, International Security Assistance Forces (ISAF) were about 300 meters away in vehicles and on top of buildings. Mr. (b)(6) (b)(7)(C) stated his father walked toward the motorcycle and he started to hear gunshots. Mr. (b)(6) (b)(7)(C) stated he looked and saw his father lying on the ground next to the motorcycle with a gunshot wound to the abdomen and chest. Mr. (b)(6) (b)(7)(C) stated he moved to where his father was and was shot in the arm and fell to the ground then passed out. Mr. (b)(6) (b)(7)(C) stated he woke up at nearby Afghanistan National Army (ANA) check point receiving medical treatment by ISAF and ANA forces. Mr. (b)(6) (b)(7)(C) stated he asked why he was shot and the response he received was ISAF forces did not want personnel on the road with vehicles or motorcycles. Mr. (b)(6) (b)(7)(C) stated he was moved to another ANA check point before coming to the hospital on Kandahar Airfield. Mr. (b)(6) (b)(7)(C) stated he made several inquiries as to the whereabouts of his father and was told two different stories, one that his father was dead and the other was he was alive and receiving medical attention in the village. Mr. (b)(6) (b)(7)(C) stated the last time he saw his father he was alive lying on the road next to the motorcycle.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

7 Jul 12

EXHIBIT

1

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS

About 1130, 5 Jul 12, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) this office, met with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and was informed of the details of the incident. (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) collected and reviewed 15-6 investigation documents to include all the sworn statements. The following statements were obtained:

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DATE

7 Jul 12

EXHIBIT

1

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

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DETAILS

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(See Sworn Statement)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DATE

7 Jul 12

EXHIBIT

1

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

1 FEB 77

000023

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

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DETAILS

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1630, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement that was unsigned by the person who administered oath. The statement was a copy and the original was sent to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) (See Statement)

About 1715, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) The document was a copy as the original was sent to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1849, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) The document was a copy as the original was sent to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1900, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) The document was a copy as the original was sent to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 2030, 2 Jul 12, (b)(6) (b)(7)(C) (b)(3) who documented his accounts of the incident to (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

DATE

7 Jul 12

EXHIBIT

1

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LAW ENFORCEMENT SENSITIVE

1 FEB 77

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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DETAILS

About 1440, 3 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1659, 3 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 2030, 3 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 2030, 3 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1230, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1450, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1500, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1500, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1530, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1607, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1630, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1700, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DATE

7 Jul 12

EXHIBIT

1

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LAW ENFORCEMENT SENSITIVE

AGENT'S INVESTIGATION REPORT

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DETAILS

About 1700, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1700, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1801, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 2300, 4 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided a statement to document his accounts of the incident to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

(b)(6) (b)(7)(C) (b)(3) also provided a diagram of the engagement areas, photographs of the Battlefield Damage Assessment (BDA) and a picture of Muhhmad RAHIM and Wali MOHAMMAD. (See Engagement Diagram, BDA and photographs)

About 2215, 5 Jul 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) related a cleansing statement was necessary on the individuals interviewed by (b)(6) (b)(7)(C) (b)(3) that were not advised of their rights and made incriminating statements. (b)(6) (b)(7)(C) (b)(3) related the Soldiers could maintain their previous statement if they chose to after they were provided a cleansing statement.

About 1009, 6 Jul 12, (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) of his legal rights, which he waived, and provided a sworn statement adding details to his previous sworn statement that he provided to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) was provided a cleansing statement, which he understood, and requested to keep his previous statement as valid. (b)(6) (b)(7)(C) (b)(3) stated he was ordered to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (See Waiver Certificate and Sworn Statement)

About 1136, 6 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided (b)(6) (b)(7)(C) (b)(3) advised him of his legal rights, which he waived, and requested to adopt his previous statement a valid that was obtained on 4 Jul 12. (b)(6) (b)(7)(C) (b)(3) further stated that on or about 30 Jun 12, he was (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) Once at the tower, he was instructed by 1LT LORANCE to shoot his weapon at

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DATE

7 Jul 12

EXHIBIT

1

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LAW ENFORCEMENT SENSITIVE

AGENT'S INVESTIGATION REPORT

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DETAILS

groups of locals in the Sarenzai Village. (b)(6) (b)(7)(C) (b)(3) stated he protested 1LT LORANCE's orders (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE instructed him to shoot about 2 feet in front of the local civilians in the village in order to anger and encourage the villagers to attend the Shura. (b)(6) (b)(7)(C) (b)(3) stated he shot at one Afghan male about 5 times and an overall total of shots toward the village were about 25 shots. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE worked alongside him as a spotter as 1LT LORANCE instructed him to shoot. Although (b)(6) (b)(7)(C) (b)(3) was confident in his marksmanship skills he sated something did not feel right, but he was following orders from 1LT LORANCE and had faith that 1LT LORANCE had an underlying plan of action. 1LT LORANCE further instructed (b)(6) (b)(7)(C) (b)(3) to say they were taking "pop shots" and that they were returning fire. (See Waiver Certificate and Sworn Statement)

About 1406, 6 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement clarifying his previous statements. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE directed him to conduct a Battle Damage Assessment (BDA) on the deceased victims of the motorcycle engagement. (b)(6) (b)(7)(C) (b)(3) related it was not normal for him to conduct BDA and he had never conducted BDA before. (See Sworn Statement)

About 1413, 6 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein he clarified his previous statement. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE provided a pre-mission brief the morning of 2 Jul 12, and briefed that due to new intelligence people with motorcycles would be considered hostile and could be engaged on sight. (b)(6) (b)(7)(C) (b)(3) stated while on patrol he conducted BDA on an Afghan male that was killed and collected his personal items. The personal items that were collected were given to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1545, 6 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein (b)(6) (b)(7)(C) (b)(3) stated he was threatened to have his rank taken away by 1LT LORANCE when he could not get the PUMA system operational. The system was not operational due to mechanical problems that were out of (b)(6) (b)(7)(C) (b)(3) control. (b)(6) (b)(7)(C) (b)(3) described 1LT LORANCE attitude as demanding, intimidating, threatening and commanding. (b)(6) (b)(7)(C) (b)(3) stated he was present during the pre-mission brief and recalled 1LT LORANCE stating that all intelligence indicated that Taliban used two wheeled motorcycles in the area. He further instructed to shoot on sight which (b)(6) (b)(7)(C) (b)(3) knew as a different Rules of Engagement (ROE) to what his unit had been operating under. While on dismounted patrol, (b)(6) (b)(7)(C) (b)(3) stated he heard (b)(6) (b)(7)(C) (b)(3) identify three individuals on a motorcycle and heard 1LT LORANCE issue the command to "shoot them." (b)(6) (b)(7)(C) (b)(3) stated he did not see who actually fired. (See Sworn Statement)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DATE

7 Jul 12

EXHIBIT

1

AGENT'S INVESTIGATION REPORT

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DETAILS

About 1600, 6 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided (b)(6) (b)(7)(C) (b)(3) with a cleansing statement and advised him of his legal rights, which he waived, and requested to adopt his previous statements as valid. (b)(6) (b)(7)(C) (b)(3) related he aimed to hit center mass of the driver of the motorcycle. (b)(6) (b)(7)(C) (b)(3) related he did not fire a warning shot and did not intend to miss. He further stated he dropped his weapon about a week prior and had not zeroed it since. (See Waiver Certificate and Sworn Statement)

About 1750, 6 Jul 12, (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) of his legal rights, which he waived, and provided a sworn statement wherein he adopted his previous statements made on 2 Jul 12, and 4 Jul 12. (b)(6) (b)(7)(C) (b)(3) stated he was not at the pre-mission brief but later was briefed by 1LT LORANCE at about 0720, 2 Jul 12, on the new ROE's that had been changed to shoot at motorcycles because they were not allowed in their Area of Operation (AO). (b)(6) (b)(7)(C) (b)(3) stated he was the Truck Commander (TC) of the Support by Fire (SBF) vehicle that was positioned along the road to over watch the dismounted patrol. (b)(6) (b)(7)(C) (b)(3) stated his gunner, (b)(6) (b)(7)(C) (b)(3) did not have radio communication and (b)(6) (b)(7)(C) (b)(3) had to relay information to him. 1LT LORANCE reported over the radio to engage a motorcycle that approached and (b)(6) (b)(7)(C) (b)(3) engaged and killed two of the passengers. (b)(6) (b)(7)(C) (b)(3) stated he did not see the motorcycle until after the engagement when 1LT LORANCE asked if it was a confirmed kill. (b)(6) (b)(7)(C) (b)(3) exited the vehicle and utilized binoculars and saw a motorcycle and a male motionless on the ground. (b)(6) (b)(7)(C) (b)(3) provided a sketch on the area and position of support by fire vehicle and location where he saw the motorcycle and male. (See Waiver Certificate, Sworn Statement and Sketch)

About 2102, 6 July 12, (b)(6) (b)(7)(C) (b)(3) and obtained a sample from the mouth of (b)(6) (b)(7)(C) (b)(3)

About 2301, 6 Jul 12 (b)(6) (b)(7)(C) (b)(3) provided (b)(6) (b)(7)(C) (b)(3) with a cleansing statement and advised him of his legal rights, which he waived, and requested to adopt his previous statements made as valid. (b)(6) (b)(7)(C) (b)(3) subsequently requested legal counsel after requesting to adopt his statements and made no further statement. (See Non-Waiver Certificate)

About 0900, 7 July 12, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) arrived at (b)(6) (b)(7)(C) (b)(3) and located a paper on the Tactical Operations Center wall that detailed three goals for 1st Platoon. The goals were to get Afghans to bring in Improvised Explosive Devices (IED's), inviting locals to the Friday Shura's, and making sure all Afghans know that they will be held responsible for what happens on their lands and they expect good Afghans to tell when someone is in their backyards and was signed by 1LT LORANCE. The paper containing the three goals was photographed. (See Photo Packet)///LAST ITEM///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

7 Jul 12

EXHIBIT

1

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LAW ENFORCEMENT SENSITIVE

Exhibits 2 thru 43

Page(s): 000029 thru 000169 referred to

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Directorate of Human Resources

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Fort Bragg, NC 28310-5000

OFFICIAL BUSINESS

ENGAGEMENT 1

SP Payenzai

ECPTK

15M

161M

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ENGAGEMENT 2

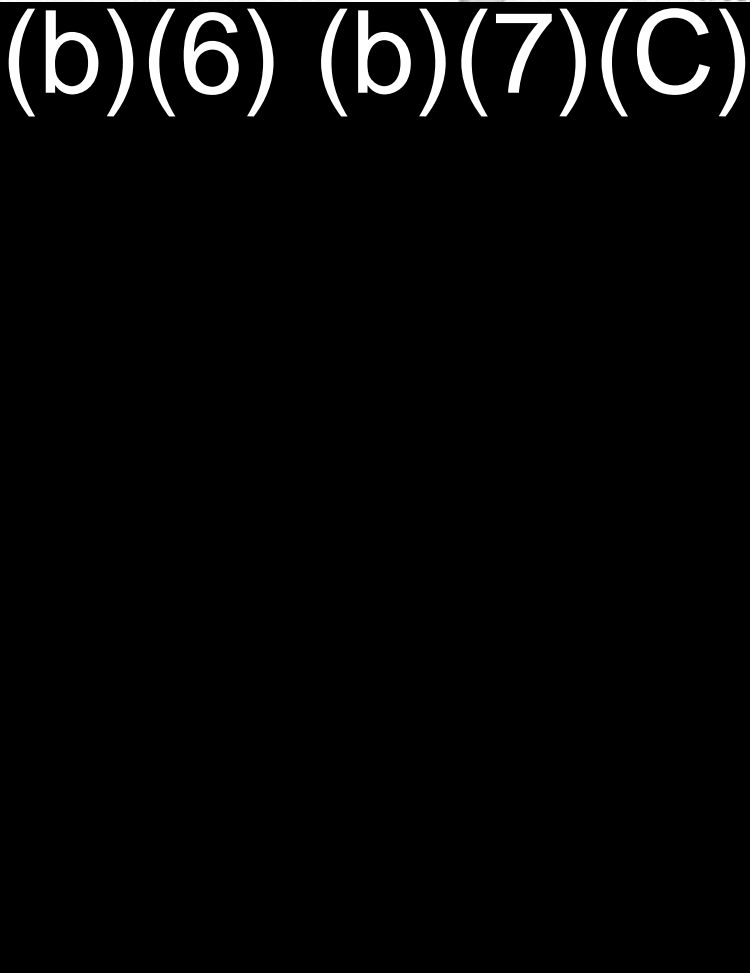


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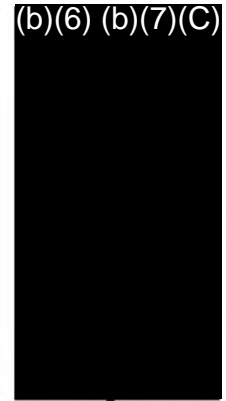
(b)(6) (b)(7)(C)

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

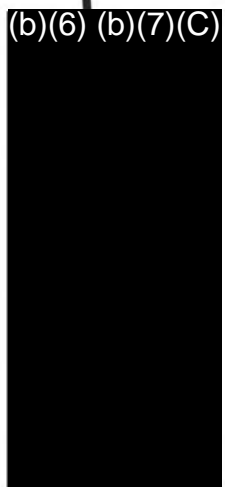


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(b)(6) (b)(7)(C)



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



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



RIGHT WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

0254-12-C10379-77686

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

Title 10, United States Code, Section 3012(g)
 To provide commanders and law enforcement officials with means by which information may be accurately identified.
 Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 Disclosure of your Social Security Number is voluntary.

1. LOCATION (b)(6) (b)(7)(C) (b)(3)	2. D (b)(6) (b)(7)(C) (b)(3) 6 Ju	3. TIME 1069	4. FILE NO. (b)(6) (b)(7)(C) (b)(3)
5. NAME (Last, First, MI) (b)(6) (b)(7)(C) (b)(3)	8. ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)		
6. SSN XXX-XX (b)(6) (b)(7)(C) (b)(3)	7. GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he is with the United States Army Criminal Investigation Command (CID)
 as a **Special Agent** and wanted to question me about the following offense(s) of which I am
 suspect (b)(6) (b)(7)(C) (b)(3) **///Aggravated Assault///**

Before he asked me any questions about the offense(s), however, he 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 a 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)

Have you ever requested a lawyer after being read your rights in the last 30 days? A: No

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)		(b)(6) (b)(7)(C) (b)(3)
1a. NAME (Type or Print)	(b)(6) (b)(7)(C) (b)(3)	
b. ORGANIZATION OR ADDRESS AND PH	4. SIGNATURE OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3)	
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3), (b) (7)(E)	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3)	

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. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

Location (b)(6) (b)(7)(C) (b)(3)

Time: 1110

Date: 6 July 12

Statement Of (b)(6) (b)(7)(C) (b)(3)

Grade/Status: (b)(6) (b)(7)(C) (b)(3)

SSN

Org/Address

(b)(6) (b)(7)(C) (b)(3)

, WANT TO MAKE THE FOLLOWING STATEMENT

UNDER OATH:

I understand that any previous statement made by me could be inadmissible in a criminal trial because I was not advised of and did not waive my Article 31(b) rights which include the right to an attorney and to keep silent. I hereby voluntarily adopt my previous statement(s) made on 4 July 12 in its entirety.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: What did you think when you were told to report to tower 2 with your weapon?

A: We get shot from that area often and I thought there was suspicious activity. I needed to observe. It's normal to report to parts of the Strong Point with my weapon.

Q: What did you think when you were told your mission was to conduct harassing fire?

A: Although it was weird and normally unauthorized, The LT ordered us to do it and I believed it was now authorized per his order.

Q: How are you informed of changes to the rules of engagement?

A: Through Platoon leadership.

Q: Have you previously had training on harassing fire?

A: No.

Q: Who told you to get your weapon and report to tower 2?

A: I don't recall.

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

A: NO. ///END OF STATEMENT///

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIAL

(b)(6) (b)(7)(C) (b)(3)

PAGE 1 OF 2 PAGE(S)

Case Number:

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

DATE: 6 JUL 12

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

CONTINUED

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on

6 Jul, 2012 at (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

EXHIBIT: _____

INIT

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 2 PAGE(S)

RIGHT WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is GDCSOPS

DATA REQUIRED BY THE PRIVACY ACT

0254-12-C10379-77680

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:Title 10, United States Code, Section 3012(g)
To provide commanders and law enforcement officials with means by which information may be accurately identified.
Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
Disclosure of your Social Security Number is voluntary.

1. LOCATION

Siah Choy

2. DATE (b)(6) (b)(7)(C) (b)(3)

6 Jul 1

3. TIME (b)(6) (b)(7)(C) (b)(3)

11:36

4. FILE NO.

(b)(6) (b)(7)(C) (b)(3)

8. ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

6. SSN (b)(6) (b)(7)(C) (b)(3)
XXX-X

(b)(6) (b)(7)(C) (b)(3) US

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he is with the United States Army

Criminal Investigation Command (CID)as a **Special Agent**

suspected/accused (b)(6) (b)(7)(C) (b)(3) and wanted to question me about the following offense(s) of which I am

Aggravated Assault

(b)(6) (b)(7)(C) (b)(3) he asked me any questions about the offense(s), however, he made it clear to me that I have the following rights:

(b)(6) (b)(7)(C) (b)(3) not have to answer any questions or say anything.

(b)(6) (b)(7)(C) (b)(3) nothing I say or do can be used as evidence against me in a criminal trial.

(b)(6) (b)(7)(C) (b)(3) (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

(b)(6) (b)(7)(C) (b)(3) 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 -

(b)(6) (b)(7)(C) (b)(3) (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

(b)(6) (b)(7)(C) (b)(3) for me before any questioning begins.

(b)(6) (b)(7)(C) (b)(3) I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you ever requested a lawyer after being read your rights in the last 30 days? A:

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)

1a. NAME (Type or Print)

(b)(6) (b)(7)(C) (b)(3)

b. ORGANIZATION OR ADDRESS AND PH

4. SIGNATURE OF INVESTIGATOR

2a. NAME (Type or Print)

5. TYPED NAME OF INVESTIGATOR
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

b. ORGANIZATION OR ADDRESS AND PHONE

6. ORGANIZATION OF INVESTIGATOR
(b)(6) (b)(7)(C) (b)(3)

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. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of
 - a. Your official position.
 - b. Nature of the 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 under 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 right 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 SUSPECT/ACCUSED REFUSES TO SIGN 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 notations 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 interrogation, 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 (for 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)

SWORN STATEMENT

Location : (b)(6) (b)(7)(C) (b)(3)
Date : 6 JUL 12 (b)(6) (b)(7)(C) (b)(3)
Statement Of : (b)(6) (b)(7)(C) (b)(3)
SSN : (b)(6) (b)(7)(C) (b)(3)
Org/Address : (b)(6) (b)(7)(C) (b)(3)

Time: 1250 (b)(6) (b)(7)(C) (b)(3)

Grade/Status: (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT
UNDER OATH:

I understand that any Previous Statement made by me could be inadmissible in a Criminal trial because I was not advised of and did not waive my Article 31(b) rights which include the right to an attorney and to keep silent. I hereby voluntarily adopt my previous statement(s) made on 4 July 2012 in its entirety.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: DID YOU WRITE THE STATEMENT ABOVE VOLUNTARILY?

A: Yes

Q: WHY WERE YOU CALLED TO THE TOWER?

A: LT wanted me there with my M14

Q: WHO CALLED YOU TO TOWER?

A: LT Lorance called me to the tower for harassing fire.

Q: DID LT LORANCE INSTRUCT YOU TO SHOOT INTO A VILLAGE?

A: Yes, at groups of local, military age males, a door lock, and motorcycle

Q: WHY DID HE SAY TO SHOOT INTO VILLAGE?

A: To anger the villagers into coming ~~into~~ to the Shera

Q: DID HE EVER INSTRUCT YOU TO SHOOT IN THE DIRECTION ON YOUNG CHILDREN?

A: Lt. Lorance initially designated 3 children as a target until I protested that they were in fact children, he then hesitantly changed his mind and designated another target. (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS: (b)(6) (b)(7)(C) (b)(3)

PAGE 1 OF 3 PAGE(S)

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

DATE: 6JUL12

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3)

WHY DID YOU SHOOT AT THE VILLAGE IN DIRECTION
ON LOCAL CIVILIANS?

A: I was given a direct order that I thought reflected the CDR's intent.

Q: DID YOU EVER QUESTION LT. LORANCE'S INSTRUCTIONS?

A: Only when the children were designated as a target.

Q: ~~WHY~~ (b)(6) (b)(7)(C) (b)(3) DID YOU BELIEVE LT. LORANCE'S INSTRUCTIONS
WERE CORRECT TO FIRE AT CIVILIANS?

No, all of the civilians were unarmed and not
a threat to our safety. I thought that the LT
had a plan of action larger than what I perceived at
the time. It was my hope and understanding that
my role that day played a part in a larger
scheme that would ultimately protect my friends
and myself. I had faith in my leadership's
plan of action.

Q: YOU STATED HE TARGETED CHILDREN, DID YOU MEAN IN A
GROUP?

A: He targeted "a group of people in front of us"
which in my opinion were clearly children and
visible from the guard tower without optics as
children.

Q: HOW DO YOU HEAR OR GET DOWNGRADES?

A: Memorandums will come down through the chain
of command and our platoon will be briefed
by our Platoon Sergeant or Senior NCO in accordance
to the slides printed out. (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS: _____

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGE(S)

04-12-C10379-77688

Case Number:

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)
TAKEN AT (b)(6) (b)(7)(C) (b)(3)

DATE: 6/5/12
CONTINUED

Q: IS THERE ANYTHING YOU WOULD LIKE TO ADD?
A: No. /// END OF STATEMENT ///

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3) 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)(3)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on

6 July 2012 at

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

EXHIBIT:

INITIALS: (b)(6) (b)(7)(C) (b)(3)

PAGE 3 OF 3 PAGE(S)

SWORN STATEMENT

Location

(b)(6) (b)(7)(C) (b)(3)

Time: 1406

(b)(6) (b)(7)(C) (b)(3)

Date

: 6 Oct 12

(b)(6) (b)(7)(C) (b)(3)

Statement Of

(b)(6) (b)(7)(C) (b)(3)

Grade/Status:

(b)(6) (b)(7)(C) (b)(3)

SSN

Org/Address

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

, WANT TO MAKE THE FOLLOWING STATEMENT

UNDER OATH:

Q: (b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)

Q: How many times have you conducted BDA?

A: This was the first time.

Q: Who directed you to conduct BDA?

A: LT told (b)(6) (b)(7)(C) (b)(3) that two people needed to conduct BDA. (b)(6) (b)(7)(C) (b)(3) directed me and (b)(6) (b)(7)(C) (b)(3) to execute.

Q: Who normally conducts BDA?

A: To the best of my knowledge it is the HQ element.

Q: What did you do with the contents you collected from the BDA?

A: Gave the contents to (b)(6) (b)(7)(C) (b)(3)

Q: Did you hear the 240B engage the individuals on the motorcycle?

A: negative

Q: Could you identify who from AUA fired their weapon?

A: NO.

Q: What were the rules of engagement for the mission?

A: LT LORANCE stated anyone on a motorcycle could/would be engaged.

Q: Was this different than what you had been operating under?

A: it was PID with ICo.in's and chatter from (b)(6) (b)(7)(C) (b)(3)

Q: After LT LORANCE gave the prebrief did you believe the ROE had changed to Authorize anyone on a motorcycle to be engaged?

A: Yes, it came from my LT.

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

A: NO. ///END OF STATEMENT/// (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS: _____

(b)(6) (b)(7)(C) (b)(3)

PAGE 1 OF 2 PAGE(S)

0254-12-C10379-77688
Case Number:

SWORN STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

DATE: 6 JUL 12

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

CONTINUED

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on

6 JUL, 2012 at

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

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(b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS: _____

PAGE 2 OF 2 PAGE(S)

SWORN STATEMENT

Location: (b)(6) (b)(7)(C) (b)(3)
Date: 6 JUL 12 (b)(6) (b)(7)(C) (b)(3)
Statement Of: (b)(6) (b)(7)(C) (b)(3)
SSN: (b)(6) (b)(7)(C) (b)(3)
Org/Address: (b)(6) (b)(7)(C) (b)(3)

Time: 1413 (b)(6) (b)(7)(C) (b)(3)

Grade/Status: (b)(6) (b)(7)(C) (b)(3)

I, (b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT
UNDER OATH:

Q: (b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)

Q: WHO GAVE PATROL BRIEF THE MORNING OF 2 JUL 12

A: 1LT. LORANCE

Q: CAN YOU RECALL NEW OR CHANGES TO ROE?

A: We were told that due to new intel, people with motorcycles were to be considered hostile and could be engaged on sight.

Q: DO YOU KNOW WHERE THE INTEL CAME FROM?

A: I do not know that was all the information from 1LT LORANCE.

Q: DO YOU KNOW DID YOU SEE WHO SHOT THE LOCALS ON THE MOTORCYCLE? I did not.

Q: DID YOU HEAR ANY RADIO TRAFFIC REGARDING THE LOCALS ON THE MOTORCYCLE PRIOR TO THE SHOOTING?

A: I did not hear anything called over the radio.

Q: DID YOU CONDUCT BDA?

A: Yes.

Q: WHO INSTRUCTED YOU TO CONDUCT BDA?

A: 1LT. LORANCE

Q: WHAT DID YOU DO WITH THE ITEMS COLLECTED?

A: We handed them off to (b)(6) (b)(7)(C) (b)(3)

Q: DID YOU SEE/RECOVER ANY WEAPONS OR ICOM RADIOS?

A: No

Q: HAVE YOU SEEN LT. LORANCE BECOME AGGRESSIVE WITH LOCAL CIVILIANS?

A: Prior to SP, 1LT. LORANCE was engaged in a discussion (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS: (b)(6) (b)(7)(C) (b)(3)

PAGE 1 OF 2 PAGE(S)

Case Number:

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

DATE: 6 JUL 12

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3) with four local males. He let them know he would hold them responsible for IED's in the area. After arguing for a couple minutes, he told them to leave and return to the shop on Friday, after initial refusal, he said they would have 5 seconds to leave before he shot them, and began a countdown.

Q: DO YOU HAVE ANYTHING TO ADD?

A: No, 1/1/12 END OF STATEMENT!!!

AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. 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)(3)

(Signature of Person Making Statement)

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6 JULY 2012 at (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

EXHIBIT: _____

INITIALS: _____

PAGE 2 OF 2 PAGE(S)

SWORN STATEMENT

Location : (b)(6) (b)(7)(C) (b)(3)

Time: 1545

Date : 6 JUL 12 (b)(6) (b)(7)(C) (b)(3)

Statement Of (b)(6) (b)(7)(C) (b)(3)

Grade/Status: (b)(6) (b)(7)(C) (b)(3)

SSN

Org/Address (b)(6) (b)(7)(C) (b)(3)

I, (b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT
UNDER OATH:

Q: (b)(6) (b)(7)(C) (b)(3)

Q: WHY DID LT LORANCE THREATEN TO TAKE YOUR RANK?

A: 1LT Lorange threatened to take my rank because the PUMA wasn't successfully launched when he wanted it airborne, despite the problems being mechanical and equipment related and outside of my control.

Q: DID YOU FEEL HE WOULD REPRIMAND YOU IF YOU COULD NOT ACCOMPLISH HIS REQUESTS OR INSTRUCTIONS?

A: Yes, his tone and inflection were very threatening and intimidating.

Q: DO YOU FEEL HE WAS THIS WAY WITH THE OTHER SOLDIERS?

A: I felt he was very commanding towards other soldiers, even senior NCOs, as I had seen him interact with them, demanding that things be done his way.

Q: ON 2 JULY 12, WHO PROVIDED PRE-MISSION BRIEF?

A: 1LT Lorange provided the pre-mission brief.

Q: WERE THERE ANY SIGNIFICANT CHANGES TO ROE/EOF FROM WHAT YOUR UNIT OPERATED UNDER?

A: 1LT Lorange told us during the pre-mission brief that all intelligence had indicated that only Taliban were using two wheeled motorcycles in the area and that we were to engage any individuals on sight riding such motorcycles. We had never before operated under ROE/EOF that involved engaging on sight

EXHIBIT: _____

INITIAL _____

PAGE 1 OF 3 PAGE(S)

Case Number:

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

DATE: 6JUL12

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3) y individuals on such a basis, or for anything less than a hostile act.

Q: ARE YOU AWARE IF ANY ONE IN YOUR UNIT OR CHAIN OF COMMAND APPROACHED LT LORANCE REGARDING HIS NEW ROE?

A: I am not aware if anyone approached 1LT LORANCE regarding the new ROE.

Q: BASED ON YOUR UNIT'S STRUCTURE, WOULD YOU HAVE ANY REASON TO QUESTION YOUR LEADERSHIP?

A: Based on my experience with my unit, I have had no reasons to question the leadership.

Q: DID YOU SEE WHO SHOT THE LOCALS ON THE MOTORCYCLE?

A: No.

Q: DID YOU HEAR THE SHOTS FIRED?

A: Yes.

Q: DID YOU HEAR ANY RADIO TRAFFIC PRIOR TO THE SHOOTING?

A: No.

Q: DID YOU HEAR ANYONE CALL OUT THE SUBJECTS ON THE MOTORCYCLE?

A: I heard (b)(6) (b)(7)(C) (b)(3) identify three individuals on a motorcycle and then I heard 1LT LORANCE issue the command "shoot them"

Q: HOW MANY SHOTS DID YOU HEAR?

A: I heard two shots from behind me and saw the individuals dismount the motorcycle and then heard more shots from an unknown location.

Q: IS THERE ANYTHING YOU WOULD LIKE TO ADD?

A: No. /// END OF STATEMENT /// (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGE(S)

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

DATE: 6 JUL 12

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3)

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(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Making Statement)

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6 JUL 2012 at (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

EXHIBIT: _____

INITIALS

(b)(6) (b)(7)(C) (b)(3)

PAGE 3 OF 3 PAGE(S)

RIGHTS HEARING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is GDCSOPS

DATA REQUIRED BY THE PRIVACY ACT

0254-12-C10379-77688

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:Title 10, United States Code, Section 3012(g)
To provide commanders and law enforcement officials with means by which information may be accurately identified.
Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
Disclosure of your Social Security Number is voluntary.

1. LOCATION (b)(6) (b)(7)(C) (b)(3)	2. DATE 6 Jul 12	3. TIME	4. FILE NO.
5. NAME (Last, First, MI) (b)(6) (b)(7)(C) (b)(3)	8. ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)		
6. SSN XXX-XX (b)(6) (b)(7)(C) (b)(3)	7. GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)		

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**Section A. Rights**

The investigator whose name appears below told me that he is with the United States Army Criminal Investigation Command (CID)
as a **Special Agent** and wanted to question me about the following offense(s) of which I am
suspected: (b)(6) (b)(7)(C) (b)(3) **Attempted Murder///**

Before he asked me any questions about the offense(s), however, he 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 a 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)

Have you ever requested a lawyer after being read your rights in the last 30 days? A: No (b)(6) (b)(7)(C) (b)(3)**Section B. Waiver**

(b)(6) (b)(7)(C) (b)(3) stand 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 having a lawyer present with me (b)(6) (b)(7)(C) (b)(3)

WITNESSES (if available)		3. SIGNATURE (b)(6) (b)(7)(C) (b)(3)
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PH		4. SIGNATURE OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3)
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3), (b) (7)(E)
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3)

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. SIGNATURE OF INTERVIEWEE

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

Case Number:

SWORN STATEMENT

Location : (b)(6) (b)(7)(C) (b)(3)
Date : 6 JUL 12
Statement Of (b)(6) (b)(7)(C) (b)(3)
SSN :
Org/Address :

Time:

Grade/Status: (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT
UNDER OATH.

I understand that any previous statement made by me could be inadmissible in a criminal trial because I was not advised of and did not waive my Article 31(b) rights which include the right to an attorney and to keep silent. I hereby voluntarily adopt my previous statements made on 2 July 2012 in their entirety. I also voluntarily adopt my previous statement made 04 July 2012 in its entirety.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: When did LT LORANCE tell you the Rules of Engagement had changed?

A: 1LT LORANCE stated the morning of July 2nd 2012 that the ROE had changed giving specific guidelines on the difference between the trike like ones vs the two wheeled motorcycle. After the meeting that the command staff had on July 1st 2012 he made a similar statement to me in the truck as we returned from SP Ghariban to SP Payenzai. The day time mission on the 1st of July he made a similar statement.

Q: Did you hear the AUA tell the riders to leave?

A: I did not hear them, but I saw the hand motion telling them to go back.

Q: Did you see the riders when they were engaged by the 240B?

A: No I could not.

Q: What was the hostile act or hostile intent you saw prior to engaging the riders.

A: The hostile act/intent I saw was after multiple patrols through Serenzai and speaking with the locals I was told that they do not go up RTE Chitruke because it is a known Taliban safe haven, beddown location and staging point for attacks against ISAF forces. They get shot at when they travel up the

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS

PAGE 1 OF 3 PAGE(S)

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

DATE: 6 JUL 12

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3) into Mullah Shin Gul where (b)(6) (b)(7)(C) (b)(3) and elements of IC have been shot at, attacked by a grenade and on multiple occasions have discovered HME, IED factories. Also about 2 wks prior to the 2 July 2012 event we had an American soldier shot in the neck from the area of Mullah Shin Gul and on 1st of July 2012 we took contact from the exact location the motorcycle was leaving less than 24 hrs prior. With this previous knowledge and being told that the ROE had changed by 1LT Lorance I assessed a possible threat of suicide bombers, VBIED, drive by shooting or drive by grenade throw as they approached our lead element at a high rate of speed traveling down RTE Chilliwaek turning onto RTE Corner Brook. To confirm my right to shoot I called out the situation to 1LT Lorance who gave me permission to fire. I fired 2 rds and stopped after the motorcycle stopped and all of the riders dismounted.

Q: Who is designated to conduct BDA?

A: Normally (b)(6) (b)(7)(C) (b)(3) because (b)(6) (b)(7)(C) (b)(3) the SEEK system, Ex spray and camera on the Bdrcl.

Q: Was LT LORANCE aware of (b)(6) (b)(7)(C) (b)(3) conducting BDA?

A: Yes, I told him twice. On the second time he told me "I would not like the outcome."

Q: When was the last time you received ROE training?

A: At Ft Bragg before the deployment.

Q: Have the ROE changed since you have been deployed.

A: Not until LT LORANCE mentioned we were authorized to engage motorcycles.

Q: Did you have any reason to believe what he put out was false?

A: NO. He came from Brigade and we assumed he knew the current and lawful ROE.

Q: Did anyone question the ROE change after he put it out?

A: NO, Not that I remember. (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS: _____

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGE(S)

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

DATE: 6 JUL 12

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3) How did you interpret LT LORANCE saying you would not like the outcome?

A: After the individuals were shot family came to collect the bodies which is not typical of Taliban and I believe we both knew at that time it was civilians that were killed.

Q: Did you hear LT LORANCE Report that No BDA was conducted?

A: Yes, which is why I retained the personal effects so I could Advise

(b)(6) (b)(7)(C) (b)(3)

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

A: NO. // END OF STATEMENT //

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

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)(3)

nt)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on

6 JUL, 2012 at (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

EXHIBIT: _____

INITIALS: _____

(b)(6) (b)(7)(C) (b)(3)

PAGE 3 OF 3 PAGE(S)

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 50
000193

RIGHT WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is CDCSOPS**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.

0254-12-C10379-77688

1. LOCATION (b)(6) (b)(7)(C) (b)(3)	2. DATE 6 Jul 12 (b)(6) (b)(7)(C) (b)(3)	3. TIME 1750 (b)(6) (b)(7)(C) (b)(3)	4. FILE NO.
5. NAME (Last, First, MI) (b)(6) (b)(7)(C) (b)(3)	8. ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)		
6. SSN XXX-XX (b)(6) (b)(7)(C) (b)(3)	7. GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)		

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**Section A. Rights**

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

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

(b)(6) (b)(7)(C) (b)(3) not have to answer any questions or say anything.

(b)(6) (b)(7)(C) (b)(3) anything I say or do can be used as evidence against me in a criminal trial.

(b)(6) (b)(7)(C) (b)(3) 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.

(b)(6) (b)(7)(C) (b)(3) willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you ever requested a lawyer after being read your rights in the last 30 days? A:

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 (b)(6) (b)(7)(C) (b)(3)
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PH		4. SIGNATURE OF SUPERVISOR (b)(6) (b)(7)(C) (b)(3)
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3), (b) (7)(E)
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3)

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. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of
 - a. Your official position.
 - b. Nature of the 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 under 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 right 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 SUSPECT/ACCUSED REFUSES TO SIGN 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 notations 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 case 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 interrogation, 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 (for 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)

SWORN STATEMENT

Location : (b)(6) (b)(7)(C) (b)(3)

Time: 2009 (b)(6) (b)(7)(C) (b)(3)

Date : 6 JUL 12 (b)(6) (b)(7)(C) (b)(3)

Statement Of SSN : (b)(6) (b)(7)(C) (b)(3)

Grade/Status: (b)(6) (b)(7)(C) (b)(3)

Org/Address : (b)(6) (b)(7)(C) (b)(3)

I, (b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(b)(6) (b)(7)(C) (b)(3) understand that any previous statement made by me could be inadmissible in a criminal trial because I was not advised of and did not waive my article 31(b) rights which include the right to an attorney and to keep silent. I hereby voluntarily adopt my previous statements made on 2 July 12 and 4 July 12 in their entirety.

Q: (b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)

Q: WHO PROVIDED PERMISSION BRIEF?

A: NO I left early and was not there for the Permission Brief.

Q: DO YOU RECALL ANY CHANGES TO ROE / BEEF?

A: ON July 2 1Lt Lorange put out that the ROE for motorcycles was changed to shoot at 0720.

Q: WHEN YOU SAY SHOOT, EXPLAIN?

A: 1Lt Lorange put out that no motorcycles were allowed in our AO that day so it was given that to engage any motorcycle in the area.

Q: DID LT LORANCE EXPLAIN WHY THE NEW ROE?

A: NO he did not.

Q: WHERE WERE YOU POSITIONED DURING 1ST ENGAGEMENT.

A: (b)(6) (b)(7)(C) (b)(3) on the outskirts of Sarenzai were my gun team was tasked to overwatch the moving element into Sarenzai. A task to not let any motorcycle enter from the city of (b)(6) (b)(7)(C) (b)(3) Mullah shingul.

Q: (b)(6) (b)(7)(C) (b)(3) WHAT WAS YOUR ROLE IN (b)(6) (b)(7)(C) (b)(3)?

A: (b)(6) (b)(7)(C) (b)(3) was a straight path down route corner brook and bushes to my right. (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS (b)(6) (b)(7)(C) (b)(3)

PAGE 1 OF 4 PAGE(S)

Case Number:

SWORN STATEMENT OF

DATE: 6 JUL 12

TAKEN AT

CONTINUED

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Q: WHO WAS (b)(6) (b)(7)(C) (b)(3)?

A: (b)(6) (b)(7)(C) (b)(3)

Q: WHICH WAY WAS (b)(6) (b)(7)(C) (b)(3) FACING?

A: (b)(6) (b)(7)(C) (b)(3) was in charge of scanning from his my 6 o'clock to my 3 o'clock and providing oversight overall A 360 as needed.

Q: HOW DID (b)(6) (b)(7)(C) (b)(3) ABLE TO LISTEN TO THE RADIO?

A: (b)(6) (b)(7)(C) (b)(3) was able to listen to the radio by poking his head down or (b)(6) (b)(7)(C) (b)(3) relaying to him.

Q: WHO FIRST IDENTIFIED THE 3 PACK MOTORCYCLE?

A: Lt Lorange reported that the raid camera had eyes on a motorcycle with 3 packs.

Q: DID (b)(6) (b)(7)(C) (b)(3) HAVE EYES ON THE MOTORCYCLE?

A: ~~that~~ (b)(6) (b)(7)(C) (b)(3) Yes

Q: WHAT INFORMATION DID LT. LORANCE PROVIDE TO YOUR TRUCK REGARDING THE MOTORCYCLE?

A: Lt Lorange called up that a motorcycle with 3 packs was headed in the area.

Q: DO YOU KNOW IF LT LORANCE HAD EYES ON THE MOTORCYCLE?

A: No I did not but I believed what he said by the confidence of what he said.

Q: DID VW HEAR INITIAL SHOTS FIRED?

A: I did not (b)(6) (b)(7)(C) (b)(3) did.

Q: HOW DID VW FIND OUT ABOUT THE INITIAL SHOTS?

A: (b)(6) (b)(7)(C) (b)(3) that their firing at something.

Q: WHO REPORTED THE 3 PACK MOTORCYCLE OVER RADIO?

A: Lt Lorange radioed up if we saw the bike in the area.

Q: DID YOU ASK OR RELAY THIS TO (b)(6) (b)(7)(C) (b)(3)?

A: Yes I asked if shilo saw the motorcycle (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS: _____

PAGE 2 OF 4 PAGE(S)

SWORN STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

DATE: 6/12

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3)

Q: WHAT DID (b)(6) (b)(7)(C) (b)(3) SAY?

A: (b)(6) (b)(7)(C) (b)(3) told me he had eyes on what do you want me to do.

Q: COULD YOU SEE THE MOTORCYCLE?

A: No because I could only see down the route and to my right were bushes.

Q: DID YOU RELAY INFO TO LT LORANCE?

A: I told Lt Lorange that my Gunner had eyes on.

Q: WHAT DID LT LORANCE SAY?

A: He quickly responded to engage.

Q: DID YOU RELAY THIS INFO TO (b)(6) (b)(7)(C) (b)(3)?

A: Yes I relayed it because I believed that our PL had eyes on the bike that was not in my view and from his ROE I followed that no bikes were allowed in our AO.

Q: BASED ON LT LORANCE INFO ON THE MOTORCYCLE AND (b)(6) (b)(7)(C) (b)(3) CONFIRMING EYES ON DID YOU BELIEVE THE MOTORCYCLE LT LORANCE AND (b)(6) (b)(7)(C) (b)(3) SAW WAS A THREAT?

A: Yes I believed it was a threat because prior to that the element had fired at the bike.

Q: DID YOU MAKE THE DECISION TO ENGAGE ON THE MOTORCYCLE OR RELAY THE MESSAGE BASED ON THE INFORMATION REPORTED BY LT LORANCE AND (b)(6) (b)(7)(C) (b)(3)?

A: (b)(6) (b)(7)(C) (b)(3) to relay the messages over the radio so I relayed it based on the ^{believing} (b)(6) (b)(7)(C) (b)(3) that the motorcycle ~~was~~ was a threat.

Q: WHEN DID YOU FIRST SEE THE MOTORCYCLE?

A: After the engagement Lt Lorange asked if it was a confirmed kill. (b)(6) (b)(7)(C) (b)(3) wasn't sure and asked me to confirm. Using a pair of binos I opened the door and climbed on the handle of the door and looked towards my 4 o'clock. (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS: _____

(b)(6) (b)(7)(C) (b)(3)

PAGE 3 OF 4 PAGE(S)

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)
TAKEN AT (b)(6) (b)(7)(C) (b)(3)

DATE: 6 JULY 12
CONTINUED

Q: DID YOU SEE THE MOTORCYCLE AT THAT TIME AND RIDERS?
A: Yes I saw the motorcycle, one body and what seemed to be another body.
Q: DID YOU SEE ANY WEAPONS OR ICONS NEAR THE BIKE?
A: I did not see any weapons or icons near the bike.
Q: DID YOU EVER HEAR THE PHRASE "REVENGE FOR (b)(6) (b)(7)(C) (b)(3)?"
A: I have heard from the time that Lt Lorange got there that there was a mission back to where (b)(6) (b)(7)(C) (b)(3) was shot and I did hear the Revenge for (b)(6) (b)(7)(C) (b)(3) slogan but (b)(6) (b)(7)(C) (b)(3) saw it on a board.
Q: DO YOU HAVE ANYTHING TO ADD?
A: No I do not. /// END OF STATEMENT /// (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3) 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) (b)(3)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on

6 JULY, 2012 at (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

EXHIBIT: _____

INITIALS: _____

(b)(6) (b)(7)(C) (b)(3)

PAGE 4 OF 4 PAGE(S)



my field of FIRE

tree line

LT

Gunnery's field of FIRE

Route



location after engagement
first time I saw the motorcycle.

WITNESS

legend

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

6 July 2012

2025

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

RIGHT WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is GDCSOPS

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) (b)(3)	2. DATE 6 Jul 12	3. TIME 301	4. FILE NO.
5. NAME (Last, First, MI) (b)(6) (b)(7)(C) (b)(3)	8. ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)		
6. SSN XXX-XX-XXXX (b)(6) (b)(7)(C) (b)(3)	7. GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)		

Section A. Rights

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

Before he asked me any questions about the offense(s), however, he 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 a 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)

Have you ever requested a lawyer after being read your rights in the last 30 days? A: NO

Section B. Waiver

(b)(6) (b)(7)(C) (b)(3) 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 (b)(6) (b)(7)(C) (b)(3)

WITNESSES (If available)		(b)(6) (b)(7)(C) (b)(3)
1a. NAME (Type or Print)	(b)(6) (b)(7)(C) (b)(3)	
b. ORGANIZATION OR ADDRESS AND PH	(b)(6) (b)(7)(C) (b)(3)	
2a. NAME (Type or Print)	(b)(6) (b)(7)(C) (b)(3)	
b. ORGANIZATION OR ADDRESS AND PHONE	(b)(6) (b)(7)(C) (b)(3)	

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) (b)(3)

ATTACH THIS WAIVER CERTIFICATE TO THE INVESTIGATION REPORT (DA form 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of
 - a. Your official position.
 - b. Nature of the 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 under 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 right 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 SUSPECT/ACCUSED REFUSES TO SIGN 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 notations 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 case 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 interrogation, 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 (for 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)

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

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DETAILS

CRIME SCENE EXAMINATION: Between 0900-0940, 7 Jul 12, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) conducted an expedient crime scene examination of Strong Point (SP) Payenzi Tower 2.

AGENT'S COMMENT: The crime scene examination was conducted in a field expedient manner while attempting to obtain as much information as possible; however, security concerns and the number of locations required to be visited imposed time restrictions on the agents to complete a thorough examination.

CHARACTERISTICS OF THE SCENE: SP Payenzi Tower #2 was located on the southern point of the SP to conduct south over watch security. It was approximately 8' x 8' and elevated on a second story of Hesco Barriers. Tower #2 served as a guard tower and fighting position and oversaw the Payenzi Village which was approximately 650' to the south. The tower was made of wood type construction and green in color bags made of a vinyl type construction, filled with sand. There were Hesco barriers that surrounded the lower portion of the tower that which was made of a brown in color, metal and cloth type construction, and was filled with sand. There was a tan in color netting hung over the window style opening to provide concealment when looked at from a distance. There was a wood type construction ladder that was used to access the tower. The roof was of wood type construction and served as a platform when needed.

CONDITION OF THE SCENE: The tower was dry inside and out with and covered with dirt both inside and out. The roof platform was bare and not covered with any material.

AGENTS COMMENTS: It was later discovered in photographs, what appeared to be two expended shell casings that were brass in color and metal type construction located on the roof of the tower.

ENVIRONMENTAL CONDITIONS: The weather outside was dry and temperature was approximately 95 degrees Fahrenheit (F). The ground outside was dry and there was little to no wind present directly outside the tower. There were no unusual odors.

SCENE DOCUMENTATION: (b)(6) (b)(7)(C) (b)(3) exposed photographs of the scene utilizing a Canon G12 digital camera. (b)(6) (b)(7)(C) (b)(3) coordinated with the 15-6 officer who was also taking independent photos. (b)(6) (b)(7)(C) (b)(3) prepared a crime scene sketch of the tower in relation to the SP and Payenzi Village. (See Crime Scene Sketches and Photographic Packet)

SEARCH FOR LATENT IMPRESSIONS: A search for latent impressions was not conducted.

COLLECTION OF EVIDENCE: Nothing of evidentiary value was located at the scene.

SEARCH BEYOND THE SCENE: A visual search beyond the scene was conducted in the immediate area surrounding the tower. Nothing of evidentiary value was located. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

7 Jul 12

EXHIBIT

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DETAILS

CRIME SCENE EXAMINATION: Between 1030-1055, 7 Jul 12, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) conducted a field expedient crime scene examination of the 1st engagement located in Sarenzai Village. Sarenzai village was located approximately 1000' to the east of SP Payenzi, Afghanistan.

AGENT'S COMMENT: The crime scene examination was conducted in a field expedient manner while attempting to obtain as much information as possible; however, security concerns and the number of locations required to be visited imposed time restrictions on the agents to complete a thorough examination.

CHARACTERISTICS OF THE SCENE: The 1st Engagement was located in the most south eastern portion of Sarenzai Village along a dirt road. The dirt road was approximately 12' wide and ran west to east and begun to curve to the north at about the location where the motorcycle was engaged. At the time of the examination, the motorcycle was no longer at the location. There was a grape field to the north and appeared to be within the confines of the village. Immediately to the west of the engagement location and along the dirt road, there were several living compounds made of what appeared to be brown in color and mud type construction. Sarenzai Village appeared to be mainly used as a living area for families of local afghan citizens that owned and attended their grape fields. There was a fence that ran alongside the dirt road that was approximately 5' in height, brown in color and mud type construction.

CONDITION OF THE SCENE: The area was dry around the compound wall and dirt road. There was one stain in the dirt road of what appeared to be oil. It was undetermined whether the stain was from the motorcycle or made by something else. The stain was approximately 8" in diameter and centered in the dirt road.

ENVIRONMENTAL CONDITIONS: The weather outside was dry and temperature was approximately 95 degrees Fahrenheit (F). The ground outside was dry and there was no wind present at the time of the examination. There were no unusual odors present at the scene.

SCENE DOCUMENTATION: (b)(6) (b)(7)(C) (b)(3) exposed photographs of the scene utilizing a Canon G12 digital camera. (b)(6) (b)(7)(C) (b)(3) coordinated with the 15-6 officer who was also taking independent photos. (See Photographic Packet)

SEARCH FOR LATENT IMPRESSIONS: A search for latent fingerprints was not conducted.

COLLECTION OF EVIDENCE: There were no items of evidentiary value located at the scene.

SEARCH BEYOND THE SCENE: A search beyond the scene was conducted in the immediate area along the road which did not yield anything of evidentiary value. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

7 Jul 12

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DETAILS

CRIME SCENE EXAMINATION: Between 1120-1150, 7 Jul 12 (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) conducted a field expedient crime scene examination of the 2nd engagement located in Sarenzai Village. Sarenzai village was located approximately 1000' to the east of SP Payenzi, Afghanistan.

AGENT'S COMMENT: The crime scene examination was conducted in a field expedient manner while attempting to obtain as much information as possible; however, security concerns and the number of locations required to be visited imposed time restrictions on the agents to complete a thorough examination.

CHARACTERISTICS OF THE SCENE: The 2nd Engagement was located approximately 330' to the west of the 1st engagement along the dirt road in Sarenzai Village. There was a brown in color structure of a mud like substance that was used as the support by fire position. The dirt road adjacent to the mud structure was approximately 12' wide and ran west to east. Directly across the road was a brown in color wall approximately 5 feet high made of the same mud like structure. There was a grape field to the north that appeared to be within the confines of the village. Immediately to the east and west of the 2nd engagement location and along the dirt road, there were several living compounds made of what appeared to be brown in color and mud type construction. Sarenzai Village appeared to be mainly used as a living area for families of local afghan citizens that owned and attended their grape fields.

CONDITION OF THE SCENE: The area was mostly dry around the compound. The structure appeared to not be well kept and appeared to be vacant or unoccupied.

ENVIRONMENTAL CONDITIONS: The weather outside was dry and temperature was approximately 95 degrees Fahrenheit (F). The ground outside was dry and there was no was little to no wind present at the time of the examination. There were no unusual odors present at the scene.

SCENE DOCUMENTATION: (b)(6) (b)(7)(C) (b)(3) exposed photographs of the scene utilizing a Canon G12 digital camera. (b)(6) (b)(7)(C) (b)(3) coordinated with the 15-6 officer who was also taking independent photos. (See Photographic Packet)

SEARCH FOR LATENT IMPRESSIONS: A search for latent fingerprints was not conducted.

COLLECTION OF EVIDENCE: There were no items of evidentiary value located at the scene.

SEARCH BEYOND THE SCENE: A search beyond the scene was conducted in the immediate area of the structure and along the road which did not yield anything of evidentiary value. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE (b)(6) (b)(7)(C) (b)(3)

DATE

7 Jul 12

EXHIBIT

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AGENT'S INVESTIGATION REPORT

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DETAILS

About 0940, 7 Jul 12, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) son of (b)(6) (b)(7)(C) (b)(3) Taskera #385645, Payanzai District, with the assistance of translator (b)(6) (b)(7)(C) (b)(3). (b)(6) (b)(7)(C) (b)(3) stated he came to SP Payanzai's ECP to complain about concertina wire. (b)(6) (b)(7)(C) (b)(3) stated he was told a few days prior by a U. S. Soldier that he could not ride his motorcycle in the area. (b)(6) (b)(7)(C) (b)(3) was also told by the U. S. Soldier that he didn't care if (b)(6) (b)(7)(C) (b)(3) had to walk to his fields. (b)(6) (b)(7)(C) (b)(3) later complained to an ANA Soldier. (b)(6) (b)(7)(C) (b)(3) could not identify the U.S. Soldier, ANA Soldier nor recall any threats made to him or his family.

About 1000, 7 Jul 12, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) walked to the scene where the incident occurred on 2 Jul 12. (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) walked the route 1st Platoon took from (b)(6) (b)(7)(C) (b)(3) prior to and during the incident. (b)(6) (b)(7)(C) (b)(3) photographed the route to depict the line of sight of (b)(6) (b)(7)(C) (b)(3) and the patrol.

About 1053, 7 July 12, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and utilized the assistance of translator. (b)(6) (b)(7)(C) (b)(3) stated (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) were traveling on a motorcycle from (b)(6) (b)(7)(C) (b)(3) where they lived, to (b)(6) (b)(7)(C) (b)(3) then to water their grape fields. (b)(6) (b)(7)(C) (b)(3) stated his father, Mr. Haji Mohammed ASLAM, and brother, Mr. Ghamai Abdul HAQ, were killed by U.S. Forces. (b)(6) (b)(7)(C) (b)(3) stated (b)(6) (b)(7)(C) (b)(3) fled the scene and was not injured. (b)(6) (b)(7)(C) (b)(3) also stated that his cousin, Mr. Jam MAHAMMED, was the in the grape fields working and was killed by U.S. Forces. (b)(6) (b)(7)(C) (b)(3) stated another person that was working in the field was his brother-in-law, Mr. (b)(6) (b)(7)(C) (b)(3) and was shot in the right arm by U.S. Forces.

About 1150, 7 Jul 12, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) with the assistance of a (b)(6) (b)(7)(C) (b)(3). (b)(6) (b)(7)(C) (b)(3) stated he never told 1LT LORANCE that motorcycles were not authorized in the area. (b)(6) (b)(7)(C) (b)(3) stated motorcycles were authorized for use but he thought of restricting the use of motorcycles in the area but that was never mentioned or discussed with 1LT LORANCE.

About 1240, 7 Jul 12, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) arrive at (b)(6) (b)(7)(C) (b)(3) and interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) regarding a conversation between a local Afghan villager and LT LORANCE on 30 Jun 12. (b)(6) (b)(7)(C) (b)(3) stated that on 30 Jun 12, the villager approached SP Payanzai Entry Control Point (ECP) to complain about Soldiers shooting into his village. (b)(6) (b)(7)(C) (b)(3) stated LT LORANCE was very short and advised the villager that if he would bring him IEDs he would be paid. He further told the villager that if any of his Soldiers were hurt by IEDs or small arms fire, he would destroy everything. He told the villager to leave, and that he did not leave he would shoot him, then began to countdown "5,4,3,2,1." (b)(6) (b)(7)(C) (b)(3) stated he did not translate the threat part of LT LORANCE shooting him because it made him feel uncomfortable but instead just advised the villager to leave.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

12 Jul 12

EXHIBIT

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DETAILS

About 1525, 7 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided (b)(6) (b)(7)(C) (b)(3) with a cleansing statement and advised him of his legal rights, which he waived, and requested to adopt his previous statements as valid. (b)(6) (b)(7)(C) (b)(3) further reiterated adamantly that he ordered his gun team to engage the individuals based solely on the fact that they had ICOM radios. (b)(6) (b)(7)(C) (b)(3) stated he had no other reason to engage them. (See Waiver Certificate and Sworn Statement)

About 1800, 7 Jul 12, (b)(6) (b)(7)(C) (b)(3) conducted a telephonic interview of (b)(6) (b)(7)(C) (b)(3) who provided a verbal statement wherein he discussed the three rules and a quote that was posted by 1LT LORANCE at the Tactical Operation Center (TOC) located at (b)(6) (b)(7)(C) (b)(3) stated he knew that 1LT LORANCE posted three rules up in the TOC wall along with a hand written quote on the white dry erase board. (b)(6) (b)(7)(C) (b)(3) described the quote as "Deny enemy sanctuary and get payback for (b)(6) (b)(7)(C) (b)(3)

AGENTS COMMENTS: While at (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) observed the white dry erase board with information written on it but did not see the quote.

About 1923, 7 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided (b)(6) (b)(7)(C) (b)(3) with a cleansing statement and advised him of his rights. (b)(6) (b)(7)(C) (b)(3) stated he wished to adopt his previous statements as valid. (b)(6) (b)(7)(C) (b)(3) stated that he was present when 1LT LORANCE provided a pre-mission brief the morning of 2 Jul 12 and was informed they had a new ROE pertaining to motorcycles and ICOM radios. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE instructed the platoon to shoot on site if a subject was seen on a motorcycle or with an ICOM radio. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE stated that motorcycles in his Area of Responsibility (AOR) were Taliban. (b)(6) (b)(7)(C) (b)(3) stated he observed and reported a subject with an ICOM and watched him for approximately 5 minutes. (b)(6) (b)(7)(C) (b)(3) was asked if he heard or was aware of the conversation on the ICOM and he started to write his description then changed his mind. (b)(6) (b)(7)(C) (b)(3) stated he did not wish to discuss the incident further and requested a lawyer. No further questions were asked. (See Waiver Certificate and Sworn Statement)

AGENT'S COMMENTS: During the interview, (b)(6) (b)(7)(C) (b)(3) had no problem talking about the incident but was noticed by (b)(6) (b)(7)(C) (b)(3) as having trouble describing the details in writing. (b)(6) (b)(7)(C) (b)(3) made a comment just prior to requesting a lawyer, that he had trouble describing the incident or didn't want to write anything that he was unsure of.

About 2017, 7 Jul 12, (b)(6) (b)(7)(C) (b)(3) conducted canvass interviews at of the following soldiers assigned to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (See Canvass Interview Worksheet)

(b)(6) (b)(7)(C) (b)(3) stated (b)(6) (b)(7)(C) (b)(3) tried to change too much too fast. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE loved his platoon and takes responsibility that happens. (b)(6) (b)(7)(C) (b)(3) provided a sworn statement.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

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DETAILS

(b)(6) (b)(7)(C) (b)(3) stated that 1LT LORANCE has not brought up the issue and acts like nothing serious happened. (b)(6) (b)(7)(C) (b)(3) has not heard any inappropriate jokes or commands from 1LT LORANCE but only spends ten minutes a day with him.

(b)(6) (b)(7)(C) (b)(3) stated if 1LT LORANCE's conscience was clear he would not have anything to worry about. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE said he was good with what he did.

(b)(6) (b)(7)(C) (b)(3) stated that 1LT LORANCE said Blackwater was hiring and he would like to that sort of stuff. (b)(6) (b)(7)(C) (b)(3) also stated 1LT LORANCE doesn't appear to comprehend or refuses to comprehend what has happened.

(b)(6) (b)(7)(C) (b)(3) stated he did not converse with 1LT LORANCE.

About 2059, 7 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided (b)(6) (b)(7)(C) (b)(3) with a cleansing statement and advised him of his rights. (b)(6) (b)(7)(C) (b)(3) stated he wished to adopt his previous statements as valid. (b)(6) (b)(7)(C) (b)(3) stated he attended the pre-mission brief given by LT LORANCE the morning of 2 Jul 12, and was informed by 1LT LORANCE there was new intelligence that two-wheeled motorcycles were being utilized by enemies to maneuver on U.S. troops and if seen they were to shoot on site. (b)(6) (b)(7)(C) (b)(3) stated he saw a male subject in the grape rows holding an ICOM radio (b)(6) (b)(7)(C) (b)(3). He immediately notified his (b)(6) (b)(7)(C) (b)(3) as well as others around him. (b)(6) (b)(7)(C) (b)(3) stated he observed the male talk on the ICOM radio and point in his direction while looking at a group of other Afghan males in the near distance. (b)(6) (b)(7)(C) (b)(3) stated he thought the subject was planning or contributing to a plan of attack on his team. He further stated he told the guys around him, "we are about to get shot at" and took a lower cover position. (See Waiver Certificate and Sworn Statement)

AGENT'S COMMENT: During the interview with (b)(6) (b)(7)(C) (b)(3) he stated, "anyone can tell you to shoot but ultimately it comes down to you to decide whether or not to shoot." He followed by expressing that he feared for his life and the lives of his team and stated he believed his split second decision to engage was compiled on his belief the subject was a threat, his previous training and similar experiences.

About 0011, 8 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein he stated he only attended a portion of the pre-mission brief on the morning of 2 Jul 12. (b)(6) (b)(7)(C) (b)(3) stated that to his knowledge there was no new ROE information regarding ICOM radios from the pre-mission brief. He stated there was a change in the ROE regarding motorcycles. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE informed him of a new ANSF Directive that was to shoot motorcycles on site. (b)(6) (b)(7)(C) (b)(3) stated he learned that 1LT LORANCE instructed (b)(6) (b)(7)(C) (b)(3) to shoot into a nearby village after the incident. (See Sworn Statement)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

12 Jul 12

EXHIBIT

56

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

000208

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

PAGE 4 OF 6 PAGES

DETAILS

About 0045, 8 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing her interactions with 1LT LORANCE. (b)(6) (b)(7)(C) (b)(3) related she informed 1LT LORANCE he was going to be the new platoon leader for 1st platoon after the previous Platoon Leader was injured. She related 1LT LORANCE was enthusiastic about taking over a platoon and expressed his desires to kill Taliban. She related after the incident, 1LT LORANCE passed notes back and forth with her, which she provided, asking who the "new guy" was. (See Sworn Statement and notes)

About 0907, 8 Jul 12, (b)(6) (b)(7)(C) (b)(3) collected (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

About 1213, 8 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing how 1LT LORANCE spoke with him a few times after arriving. (b)(6) (b)(7)(C) (b)(3) stated he was concerned about 1LT LORANCE as he seemed to be unaware of the situation he was in. He stated he did not want to be around 1LT LORANCE after he was informed of the allegations against him as he was worried about his possible reaction. (b)(6) (b)(7)(C) (b)(3) detailed comments 1LT LORANCE made which seemed to be inappropriate. (See Sworn Statement)

About 1415, 8 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who stated he was assigned to be 1LT LORANCE's escort once he arrived to COP Siah Choy after the incident. (b)(6) (b)(7)(C) (b)(3) related 1LT LORANCE made several inappropriate comments and felt 1LT LORANCE was unaware of the gravity of the situation. (See Sworn Statement)

About 1534, 8 July 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who stated 1LT LORANCE's demeanor after he arrived at COP Siah Choy as awkward and black and white. (b)(6) (b)(7)(C) (b)(3) stated even after 1LT LORANCE's weapon was taken he did not appear upset and did not grasp the severity of the situation. 1LT LORANCE told (b)(6) (b)(7)(C) (b)(3) that he could not wait to get back to his platoon. 1LT LORANCE stated several times that he loved his platoon and that they were squared away. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE appeared like if the incident never happened and he was emotionally detached.

TYPED AGENT'S NAME AND SEQUENCE NUMBER
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE
(b)(6) (b)(7)(C) (b)(3)

DATE

12 Jul 12

EXHIBIT

56

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

PAGE 5 OF 6 PAGES

DETAILS

About 2000, 8 Jul 12, (b)(6) (b)(7)(C) (b)(3) conducted canvass interviews at of the following soldiers assigned to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (See Canvass Interview Worksheet)

(b)(6) (b)(7)(C) (b)(3) stated he only had a few casual conversations with 1LT LORANCE. (b)(6) (b)(7)(C) (b)(3) stated they never discussed anything that would alarm him and 1LT LORANCE did not make any inappropriate jokes.

(b)(6) (b)(7)(C) (b)(3) stated he only had casual conversations with 1LT LORANCE and has not heard of him making any inappropriate jokes or comments.

(b)(6) (b)(7)(C) (b)(3) stated he had little to no contact with 1LT LORANCE. (b)(6) (b)(7)(C) (b)(3) also stated 1LT LORANCE did not make any inappropriate jokes or comments.

(b)(6) (b)(7)(C) (b)(3) did not provide any useful information.

(b)(6) (b)(7)(C) (b)(3) who stated 1LT LORANCE told him that they were like robots as in respect to discipline and Soldiering skills specifically (b)(6) (b)(7)(C) (b)(3) stated that 1LT LORANCE did not make any inappropriate jokes or comments.

About 1011, 9 Jul 12, (b)(6) (b)(7)(C) (b)(3) advised 1LT LORANCE of his legal rights, which he invoked, and requested legal counsel. (See Non-Waiver Certificate)

Agent Comments (b)(6) (b)(7)(C) (b)(3) obtained fingerprints (b)(6) (b)(7)(C) (b)(3) mugshot photographs of 1LT LORANCE. 1LT LORANCE was released on a DA 2708 to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1121, 9 Jul 12, (b)(6) (b)(7)(C) (b)(3) seized a binder that 1LT LORANCE brought with him to his interview. The binder possibly contained statements that were written by 1LT LORANCE detailing the incident. (See EPCD)

About 2243, 9 Jul 12, (b)(6) (b)(7)(C) (b)(3) obtained written search and seizure authorization from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) to search the binder belonging to 1LT LORANCE that was already in the custody of this office, as well as authorization to search the personal belongings of 1LT LORANCE for statements and/or written notes. (See Search and Seizure Authorization)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DATE

12 Jul 12

EXHIBIT

56

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

000210

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

PAGE 6 OF 6 PAGES

DETAILS

About 0006, 10 Jul 12, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) this office, conducted a search of 1LT LORANCE's belongings and collected a green notebook filled with hand written notes. Notebook was collected and documented on an EPCD, Document Number 792-12. (See EPCD)

About 0930, 10 Jul 12, (b)(6) (b)(7)(C) (b)(3) conducted a search of the binder which revealed a typed statement from 1LT LORANCE, hand written notes and a green military issued notebook. All items were documented on an EPCD, Document Number 793-12. (See EPCD)

About 1437, 10 Jul 12, (b)(6) (b)(7)(C) (b)(3) submitted a preservation request to AKO for all content within 1LT LORANCE's AKO e-mail. (See Preservation Letter)

About 1447, 10 Jul 12, (b)(6) (b)(7)(C) (b)(3) submitted a preservation request to Yahoo! for all e-mails pertaining to 1LT LORANCE. (See Preservation Letter)

About 1237, 12 Jul 12, (b)(6) (b)(7)(C) (b)(3) this office, conducted a check of the Defense Clearance and Investigation Index (DCII) and the National Crime Information Center (NCIC) which disclosed (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) had no criminal records.

About 1625, 12 Jul 12 (b)(6) (b)(7)(C) (b)(3) released the binder to 1LT LORANCE with permission from (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) /LAST ITEM///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

12 Jul 12

EXHIBIT

56

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

0254-12-CID379-77688

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

Title 10, United States Code, Section 3012(g)
 To provide commanders and law enforcement officials with means by which information may be accurately identified.
 Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 Disclosure of your Social Security Number is voluntary.

1. LOCATION

(b)(6) (b)(7)(C) (b)(3)

2. DATE

7 Jul 12

3. TIME

1525

4. FILE NO.

(b)(6) (b)(7)(C) (b)(3)

5. NAME (Last, First, MI)

(b)(6) (b)(7)(C) (b)(3)

8. ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

6. SSN

XXX-XX (b)(6) (b)(7)(C) (b)(3)

7. GRADE/STATUS

(b)(6) (b)(7)(C) (b)(3)

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he is with the United States Army Criminal Investigation Command (CID)
 as a Special Agent and wanted to question me about the following offense(s) of which I am
 suspected/as (b)(6) (b)(7)(C) (b)(3) Murder///

Before he asked me any questions about the offense(s), however, he 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 a 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)

Have you ever requested a lawyer after being read your rights in the last 30 days? A: No (b)(6) (b)(7)(C) (b)(3)

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)

1a. NAME (Type or Print)

3. SIGNATURE OF INTERVIEWEE

(b)(6) (b)(7)(C) (b)(3)

b. ORGANIZATION OR ADDRESS AND PH

(b)(6) (b)(7)(C) (b)(3)

2a. NAME (Type or Print)

5. TYPED NAME OF INVESTIGATOR

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

b. ORGANIZATION OR ADDRESS AND PHONE

6. ORGANIZATION OF INVESTIGATOR

(b)(6) (b)(7)(C) (b)(3)

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. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

Location

(b)(6) (b)(7)(C) (b)(3)

Time: 1713

(b)(6) (b)(7)(C) (b)(3)

Date

7 JUL 12

Statement Of

(b)(6) (b)(7)(C) (b)(3)

Grade/Status:

(b)(6) (b)(7)(C) (b)(3)

SSN

Org/Address

(b)(6) (b)(7)(C) (b)(3)

_____, WANT TO MAKE THE FOLLOWING STATEMENT
UNDER OATH:

I understand that any previous statement made by me could be inadmissible in a criminal trial because I was not advised of and did not waive my Article 31 (B) rights which include the right to an attorney and to keep silent. I hereby voluntarily adopt my previous statement made on 2 July 2012 in its entirety.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: What briefings did you receive in regards to ROE about radios

A: Initial briefing was during RSOL at KAF. Nothing specific to radios during this brief. Received another during (b)(6) (b)(7)(C) (b)(3). (b)(6) (b)(7)(C) (b)(3) got another brief upon arrival at (b)(6) (b)(7)(C) (b)(3). Any further questions I had about the RoE I referred to (b)(6) (b)(7)(C) (b)(3).

Q: What was authorized in regards to radios to be engaged. In other words, what met Hostile acts/ Hostile intent in regards to radios and was authorized to be engaged. As I understood it, Radios in and of itself showed a hostile act. (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

in regards to the radio issue, and it was never disseminated otherwise to me.

Q: Who did you ask questions to?

A: (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3)

Q: What was said during your meeting with LT LORANCE

A: During meetings with LT Lorraine, (b)(6) (b)(7)(C) (b)(3) would let him know how (b)(6) (b)(7)(C) (b)(3) did things. We set up SBFs to cover movements, let our HQ elements (RTO, Fishers, COIST) do their assigned jobs, and how we acted out in the battle space.

Q: Who attended these meetings?

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS

(b)(6) (b)(7)(C) (b)(3)

PAGE 1 OF 3 PAGE(S)

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

DATE: 7 Jul 12

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3)

myself,

(b)(6) (b)(7)(C) (b)(3) and LT LORANCE

Q: Did you hear anything in regards to (b)(6) (b)(7)(C) (b)(3) prior to ordering your gun team to engage on 2 Jul 12?

A: NO.

Q: Were any of your radios operational during the mission?

A: Comms were good pre-mission and good until the 1st engagement. Once we started getting into the grape rows and village (b)(6) (b)(7)(C) (b)(3)

with the SBF truck on (b)(6) (b)(7)(C) (b)(3)

Q: Do you know if any of your team members were aware of (b)(6) (b)(7)(C) (b)(3) traffic?

A: I am unaware if they did.

Q: How is (b)(6) (b)(7)(C) (b)(3) pushed to you?

A: I typically didn't get it on missions. I'm not normally close enough to hear people if they yell it.

Q: Did you hear shots being fired from tower 2 at SP Pavenza on 1 Jul 12?

A: No.

Q: Is harassing fire authorized?

A: As far as I know, no.

Q: Would (b)(6) (b)(7)(C) (b)(3) have fired upon the individuals in the field if (b)(6) (b)(7)(C) (b)(3) had not told them to do so?

A: No.

Q: Were you asked if they could engage, or did you direct it?

(b)(6) (b)(7)(C) (b)(3) directed it.

Q: Who fired shots from the rooftop?

A: (b)(6) (b)(7)(C) (b)(3) fired the 240b and (b)(6) (b)(7)(C) (b)(3) fired his m4.

Q: Do you have anything further you wish to add to this statement? (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGE(S)

Case Number:

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

DATE: 7/20/12

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3) TO // END OF STATEMENT

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) 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)(3)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on

7/20, 2012 at (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

EXHIBIT: _____

INITIALS: _____

(b)(6) (b)(7)(C) (b)(3)

PAGE 3 OF 3 PAGE(S)

RIGHTS AND WAIVER PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is DCSOPS

DATA REQUIRED BY THE PRIVACY ACT

0254-12-C10379-77688

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

Title 10, United States Code, Section 3012(g)
To provide commanders and law enforcement officials with means by which information may be accurately identified.
Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
Disclosure of your Social Security Number is voluntary.

1. LOCATION

(b)(6) (b)(7)(C) (b)(3)

2. DATE

7 Jul 1

(b)(6) (b)(7)(C) (b)(3)

3. TIME

19:25

(b)(6) (b)(7)(C) (b)(3) FILE NO.

5. NAME (Last, First, MI)

(b)(6) (b)(7)(C) (b)(3)

8. ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

6. SSN

XXX-XX

(b)(6) (b)(7)(C) (b)(3)

7. GRADE/STATUS

(b)(6) (b)(7)(C) (b)(3)

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**Section A. Rights**

The investigator whose name appears below told me that he is with the United States Army **Criminal Investigation Command (CID)**
as a **Special Agent** and wanted to question me about the following offense(s) of which I am
suspected/accused **///Murder///** (b)(6) (b)(7)(C) (b)(3)

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

(b)(6) (b)(7)(C) (b)(3) 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.
(b)(6) (b)(7)(C) (b)(3) 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.

- OF -

(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
(b)(6) (b)(7)(C) (b)(3) for me before any questioning begins.
(b)(6) (b)(7)(C) (b)(3) am willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak
with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you ever requested a lawyer after being read your rights in the last 30 days? A: **NO**

(b)(6) (b)(7)(C) (b)(3)

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)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PH

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

(b)(6) (b)(7)(C) (b)(3)

4. SIGNATURE OF INVESTIGATOR

(b)(6) (b)(7)(C) (b)(3)

5. TYPED NAME OF INVESTIGATOR

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

6. ORGANIZATION OF INVESTIGATOR

(b)(6) (b)(7)(C) (b)(3)

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. SIGNATURE OF INTERVIEWEE

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

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)

Case Number:

SWORN STATEMENT

Location

Date

Statement Of

SSN

Org/Address

Time: 20:04

Grade/Status:

(b)(6) (b)(7)(C) (b)(3)

WANT TO MAKE THE FOLLOWING STATEMENT

UNDER OATH:

Q: (b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)

Q: DID YOU ATTEND PRE-MISSION BRIEF?

A: Yes.

Q: WHO GAVE THE BRIEF?

A: LT Lorange.

Q: WHAT SIGNIFICANT CHANGES TO ROE/ECF?

A: Prior to LT Lorange taking over the PL position our ROE was alot different, but after he took up the position at PL the ROE took a turn.

Q: WHAT NEW ROE CAN YOU EXPLAIN?

A: Any two wheeled motor cycle in our area of operation we were told to engage on sight, also it was made clear that if a ICOM was spotted then same applied, engage on sight.

Q: DID LT-LORANCE EXPLAIN WITH THE NEW ROE?

A: He didn't state where he got the new ROE from, but he made the statement that he had intel stating any two-wheel motor cycles in (b)(6) (b)(7)(C) (b)(3) area of operation were taliban.

Q: PRIOR TO THIS (b)(6) (b)(7)(C) (b)(3) LT LORANCE DID YOU KNOW OR TRAIN REGARDING THE MOTORCYCLE OR ICOM ROE?

A: Prior to LT Lorange ROE, we were instructed to observe any vehicles (motorcycles, cars) patterns or routines and not to engage on sight. With ICOM's we had to confirm Wolfhound chatter was hostile, get the (b)(6) (b)(7)(C) (b)(3) (triangulation) of the ICOM and (b)(6) (b)(7)(C) (b)(3) gave/decided if to engage or not.

EXHIBIT: _____

INITIALS: _____

(b)(6) (b)(7)(C) (b)(3)

PAGE 1 OF 3 PAGE(S)

Case Number:

SWORN STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

DATE: 7 JUL 12

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3)

ON YOUR ENGAGEMENT, 2 JUL 12, DID YOU SEE
THE PERSON YOU ENGAGED USING AN ICOM?

A: Yes, (b)(6) (b)(7)(C) (b)(3) on the rooftop observing a military aged
male with a Laser Range Finder (b)(6) (b)(7)(C) (b)(3) ranged this guy
at approximately 450-500 meters away (b)(6) (b)(7)(C) (b)(3) observed this
individual with an ICOM, the ICOM looked like an old
walk-talkie with a long silver antenna (10-12 inches long).

Q: HOW LONG DID YOU OBSERVE HIM WITH THE ICOM BEFORE
ENGAGING?

A: (b)(6) (b)(7)(C) (b)(3) From the time the individual was spotted till the
engagement I spent approximately 3-5 minutes observing the military aged
male.

Q: PRIOR TO OBSERVING THE MALE WITH THE ICOM, DID YOU
HEAR OR WERE AWARE OF ICOM CHATTER?

A: After the first engagement

At this point I want a Lawyer (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT:

INITIALS:

PAGE 2 OF 3 PAGE(S)

Case Number:

(b)(6) (b)(7)(C) (b)(3)

SWORN STATEMENT OF

DATE: 7 JUL 12

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3) 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)(3)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on

7 July, 2012 at (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS

PAGE 5 OF 3 PAGE(S)

CANVASS INTERVIEW WORKSHEET

DATE: 7 Jul 12	ROI#: 0254-12-CID379-77688			
Start Time: 2017	Unit/Organization: (b)(6) (b)(7)(C) (b)(3)			
End Time:	FOB/COP/Base/Installation: (b)(6) (b)(7)(C) (b)(3)			
LOCATION: Bldg/Tent/Hut	NAME: (Rank/Title First MI Last)	SSN: (Last Four)	PHONE: D = DSN C = Cell	REMARKS: SI = Significant Information NSI = No Significant Information

Name: (b)(6) (b)(7)(C) (b)(3)				Said tried to charge too much too fast. He loves his PT's PT's Sgt He takes responsibility for anything that happened since he was leading Platoon
Address: see Sworn Statement for details.				
Name: (b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)			Has not brought up the issue and Does not act like anything serious has happened. has not heard inappropriate jokes or comments. Spends maybe 10 minutes with him every day
Address: (b)(6) (b)(7)(C) (b)(3)				
Name: (b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)			- at gym and (b)(6) (b)(7)(C) (b)(3) was showing on ARMA how to do a lift when LTCORAL interrupted saying (b)(6) (b)(7)(C) (b)(3) was wasting his time. - Asked what he thought a scene would be. (b)(6) (b)(7)(C) (b)(3) said it his conscience was clear that he had nothing to worry about. LTCORAL said he was good with what he did.
Address:				
Name: (b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)			- LTCORAL said Blackwater was hiring and he would like to do that sort of stuff. - Doesn't appear to comprehend or refuses to comprehend what has happened
Address:				
Name: (b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)			- Does not converse with LTCORAL
Address:				

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is GCSOPS

DATA REQUIRED BY THE PRIVACY ACT

0254-12-C10379-77688

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

Title 10, United States Code, Section 3012(g)

To provide commanders and law enforcement officials with means by which information may be accurately identified.
Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

Disclosure of your Social Security Number is voluntary.

1. LOCATION (b)(6) (b)(7)(C) (b)(3)	2. DATE 7 Jul 12 (b)(6) (b)(7)(C) (b)(3)	3. TIME 2039 (b)(6) (b)(7)(C) (b)(3)	4. FILE NO.
5. NAME (Last, First MI) (b)(6) (b)(7)(C) (b)(3)	8. ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)		
6. SSN XXX-XX (b)(6) (b)(7)(C) (b)(3)	7. GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**Section A. Rights**

The investigator whose name appears below told me that he is with the United States Army Criminal Investigation Command (CID)
as a **Special Agent** and wanted to question me about the following offense(s) of which I am
suspected/accused ///Murder/ (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) asked me any questions about the offense(s), however, he made it clear to me that I have the following rights:
(b)(6) (b)(7)(C) (b)(3) have to answer any questions or say anything.
(b)(6) (b)(7)(C) (b)(3) I say or do can be used as evidence against me in a criminal trial.
(b)(6) (b)(7)(C) (b)(3) 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
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 -

(b)(6) (b)(7)(C) (b)(3) (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.

(b)(6) (b)(7)(C) (b)(3) Now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak
with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you ever requested a lawyer after being read your rights in the last 30 days? A: NO (b)(6) (b)(7)(C) (b)(3)**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)

1a. NAME (Type or Print) (b)(6) (b)(7)(C) (b)(3)	4. SIGNATURE FOR (b)(6) (b)(7)(C) (b)(3)
b. ORGANIZATION OR ADDRESS AND PH	
2a. NAME (Type or Print) (b)(6) (b)(7)(C) (b)(3), (b) (7)(E)	
b. ORGANIZATION OR ADDRESS AND PHONE	ORGANIZATION OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3)

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. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

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.

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COMMENTS (Continued)

Case Number:

SWORN STATEMENT

Location: (b)(6) (b)(7)(C) (b)(3)
Date: 1 JUL 12 (b)(6) (b)(7)(C) (b)(3)
Statement Of SSN: (b)(6) (b)(7)(C) (b)(3)
Org/Address: (b)(6) (b)(7)(C) (b)(3)

Time: 2255 (b)(6) (b)(7)(C) (b)(3)

Grade/Status: (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT
UNDER OATH:

"I understand that any previous statement made by me could be inadmissible in a criminal trial because I was not advised of and did not waive my Article 31(b) rights which include the right to an attorney and to keep silent. I hereby voluntarily adopt my previous statements made on July 2nd and the 4th of 2012 in its entirety."

(b)(6) (b)(7)(C) (b)(3)

Q: DID YOU RECEIVE A BRIEF THE MORNING OF 20 JULY 12?

A: LT LORANCE did talk to us that morning but I would not call it a brief.

Q: WHAT DID HE SAY?

A: LT LORANCE told us that he had intel because he was at from Brigade task that 2 wheeled motorcycles were enemy and were trying to maneuver off us and were to be shot on site. He said we did not have to ask or tell anyone just shoot and four 3 wheeled motorcycles we were to try and stop them and if they didn't stop after we said "stop" in three language we were to shoot them.

Q: DID LT LORANCE DISCUSS ROE AS FAR AS ICOM HADGOS RADAR?

A: I do not remember

Q: PRIOR TO LT LORANCE ARRIVAL AT PL, WHAT WAS YOUR DUES/ROE FOR GUYS WITH ICOMS?

A: If I see a guy with an Icom, I tell (b)(6) (b)(7)(C) (b)(3) what I see (b)(6) (b)(7)(C) (b)(3) then tell me to keep eyes on while he sends the info up to see if what I am seeing matches with any Icom chatter. (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIAL _____

PAGE 1 OF 3 PAGE(S)

SWORN STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

DATE: 7 Jul 12

CONTINUED

(b)(6) (b)(7)(C) (b)(3) TAKEN AT (b)(6) (b)(7)(C) (b)(3)

Q: DID YOU SEE A MAN WITH A ICOM RADIO THAT DAY?

A: YES, While I was on the boat as the support byline ~~we~~ I SAW A man about 360metres At First with my naked Eye and then I verified it while looking down my optic.

Q: WHAT DID YOU SEE THE MAN WITH THE ICOM DO?

A: I saw him holding and talking on the Icom AND At the same time he would point at us and then look to his left over at this Grape Hut that had about 6 males around it.

Q: WHAT DID YOU THINK THE MAN WAS DOING THESE MOVEMENTS?

A: TO Tell his Friends where we are and how to get to us so they can kill us.

Q: WHILE YOU SEE THE MAN WITH THE ICOM, ARE YOU INFORMING OTHERS?

A: (b)(6) (b)(7)(C) (b)(3) so they know is going on and so that it can get raised up to higher, so that they can watch ~~the~~ (b)(6) (b)(7)(C) (b)(3) AND relay any (b)(6) (b)(7)(C) (b)(3)

Q: DID YOU BELIEVE, BASED ON YOUR TRAINING, AND EXPERIENCE, THAT THE SUBJECTS MOVEMENTS, MANNERISMS WERE A POTENTIAL THREAT TO YOU OR POSSIBLY YOUR TEAM?

A: Yes, Because there was other subjects moving on our position I believed that we were about to get shot at (b)(6) (b)(7)(C) (b)(3) "that" we ARE ABOUT TO GET SHOT AT AND for everyone to get down behind cover.

Q: WHY DID YOU ENGAGE AT THE MAN WITH THE ICOM?

A: (b)(6) (b)(7)(C) (b)(3) because that (b)(6) (b)(7)(C) (b)(3) I felt and also thought that we all were fearing for our lives of what the men in the field were doing. (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIALS _____

PAGE 2 OF 3 PAGE(S)

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

DATE:

7 JUL 12

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3) DID YOU FEAR FOR YOUR LIFE?

A: Yes

Q: IF YOU DID NOT FEAR FOR YOUR LIFE, WOULD YOU HAVE FIRED? (b)(6) (b)(7)(C) (b)(3)

A: NO

Q: DO YOU FEEL THAT YOU MAY HAVE PREVENTED AN ATTACK ON YOUR TEAM?

A: Yes

Q: DO YOU HAVE ANYTHING TO ADD?

A: NO /// END OF STATEMENT /// (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

I 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 OR UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C) (b)(3)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on

7 JUL 2012 at (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

EXHIBIT: _____

INITIALS

(b)(6) (b)(7)(C) (b)(3)

PAGE 3 OF 3 PAGE(S)

Case Number:

SWORN STATEMENT

Location : (b)(6) (b)(7)(C) (b)(3)

Time: 00:11 (b)(6) (b)(7)(C) (b)(3)

Date : 9 JUL 12 KDA
Statement Of : (b)(6) (b)(7)(C) (b)(3)

Grade/Status: (b)(6) (b)(7)(C) (b)(3)

SSN :
Org/Address : (b)(6) (b)(7)(C) (b)(3)

I, (b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT
UNDER OATH:

Q: (b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)

Q: DID LT LORANCE CONDUCT A PRE-MISSION BRIEF?

A: Yes he did.

Q: WHAT SIGNIFICANT CHANGES TO ROE/ECF DID YOU NOTICE?

A: He said that there was a new ANSF Directive to shoot motorcycles on site.

Q: DO HE MENTION WHY OR WHERE HE OBTAINED THIS FROM?

A: All I know is that he said it came from the ANA Commander. I'm not sure which level of leadership.

Q: WHAT NEW INFORMATION DID HE PUT OUT REGARDING ICOMS?

A: I did not hear any thing about ICOMS during the part of the brief that I was present for. None of my Soldiers mentioned any thing about it to me.

Q: HAVE YOU EVER PUT OUT NEW ROE INFO OR CHANGES TO YOUR SOLDIERS WHEN (b)(6) (b)(7)(C) (b)(3) IS UNABLE?

A: yes, on patrols (b)(6) (b)(7)(C) (b)(3) I have never put out any changes since our arrival in theater. When present (b)(6) (b)(7)(C) (b)(3) conducts the brief. The entire patrol is present during the Brief. In the absence of (b)(6) (b)(7)(C) (b)(3) have to conduct the brief (b)(6) (b)(7)(C) (b)(3) in the #1 patrol as a whole.

Q: PRIOR TO LT LORANCE'S ARRIVAL, WHAT (b)(6) (b)(7)(C) (b)(3) PLATOON NORMALLY WORKING UNDER IN REGARDS TO ICOM AND MOTORCYCLES WHEN SEEN ON PATROLS? (b)(6) (b)(7)(C) (b)(3)

EXHIBIT: _____

INITIAL: _____

PAGE 1 OF 3 PAGE(S)

Case Number:

SWORN STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

DATE: 8 JUL 12

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

CONTINUED

(b)(6) (b)(7)(C) (b)(3)

Q: Motorcycles encountered on patrol, we would stop and search. As far as Icoms spotted by my Soldiers while on patrol, the individual in contact would report to his team leader or Squad leader for clarification and confirmation of hostile intent.

Q: AS FAR AS YOU KNOW, WHERE ALL (b)(6) (b)(7)(C) (b)(3) OPERATING UNDER THE SAME ROE'S ALL THE PLATOON WAS BRIEFED?

A: Yes as far as I know.

Q: WHERE YOU AWARE OF (b)(6) (b)(7)(C) (b)(3) SHOOTING INTO A VILLAGE FROM SP PAVANZI TOWER?

A: Yes I was informed after the incident had taken place when I was woken up by (b)(6) (b)(7)(C) (b)(3)

Q: HAVE YOU BEEN TOLD UNDER ROE THAT A PERSON WITH AN ICOM HIDE (b)(6) (b)(7)(C) (b)(3) ITSELF WAS JUSTIFICATION FOR ENGAGEMENT?

A: NO

Q: WHAT ROE BRIEF HAVE YOU RECEIVED DURING PRE-DEPLOYMENT TRAINING AND DURING THIS DEPLOYMENT?

A: I can not recollect exactly when I received a pre-deployment Brief but it was during our rotation to NTC. I also received one in Kandahar upon arrival into theater.

Q: DO YOU RECALL ANY PARTICULAR INSTRUCTIONS (ROE) FOR ICOMS?

A: NO

Q: HAVE YOU GIVEN ROE INSTRUCTIONS TO (b)(6) (b)(7)(C) (b)(3) REGARDING ICOMS?

A: Yes, if they observe personnel utilizing Icoms, and conducting visual operations or maneuvering in a military way to clear the engagement with the Senior person on site. (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT:

INITIALS

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGE(S)

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 101
000228

SWORN STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

Case Number:

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

DATE: 8 JUL 12

(b)(6) (b)(7)(C) (b)(3)

CONTINUED

WHAT ICOM POL'S WERE IN PLACE ON 2 JUL 12?

A: AS FAR AS I KNOW WE WERE OPERATING UNDER THE SAME GUIDELINES AS ALWAYS

Q: DID (b)(6) (b)(7)(C) (b)(3) EVER ASK FOR CLARIFICATION ON ICOM POL'S?

A: NOT TO MY KNOWLEDGE !!! END OF STATEMENT !!! (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3) 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)(3)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on

8 JUL 12

at

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

EXHIBIT: _____

INITIALS: _____

(b)(6) (b)(7)(C) (b)(3)

PAGE 3 OF 3 PAGE(S)

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) (b)(3)	DATE 8 Jul 2012 00:45	FILE NUMBER 0254-12-CID379-77688
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX-(b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
From on or about 30 April 2012 to on or about 20 May 2012, I was working out of (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

At the same time, 1LT Clint Lorange was working as the Liaison Officer (LNO) at the Brigade (BDE) TOC at FOB Pasab. I interacted with him almost daily through seeing him at the BDE Battle Update Brief (BUB) nightly, occasionally eating lunch together and arranging for equipment and information flow between Pasab and (b)(6) (b)(7)(C) (b)(3) is located). 1LT Lorange would regularly (probably once every 2-3 days) talk to me about his frustration of being an LNO rather than being a Platoon Leader (PL). He indicated that he believed the reason he was not given a PL position was due to the fact that he did not have a Ranger Tab, unlike the PLs that were currently in those positions. When he heard that I was going to be moving (b)(6) (b)(7)(C) (b)(3) he requested that I keep my ears open for any news of him potentially being able to take a platoon. He mentioned at that time that we didn't have much time left in the deployment, and that he really wanted to be able to get the maximum amount of time possible in the PL position. He was extremely eager to be given the opportunity. Sometime in mid-May, he even requested that I sit down with him and go over our Area of Operations (AO) and our current Enemy Situation Template (SITEMP) in preparation for him to potentially get a platoon before we re-deploy. We sat down at (b)(6) (b)(7)(C) (b)(3) and I walked him through both (b)(6) (b)(7)(C) (b)(3) for about 30 minutes. On or about 22 June 2012, the SQDN Staff Officers were informed in a Operations Synchronization (OPSYNC) meeting that 1LT Lorange would be taking over for 1st Platoon, C-TRP. I sent him an e-mail (b)(6) (b)(7)(C) (b)(3) and congratulated him on the fact that he would be given the PL position. About two or three days later, he responded to (b)(6) (b)(7)(C) (b)(3) which is sent out daily throughout the SQDN by the SQDN S2 Shop. In the email, he indicated how much he liked the product and the fact that it had a lot of really good information about our AO. He asked me at the end of the e-mail if there is some kind of list that indicates who the S2 shop wants him to kill and asked if we have a Be On the Lookout (BOLO) list. I wrote him back and sent him (b)(6) (b)(7)(C) (b)(3) and told him that we currently don't have a BOLO list, but that I would look into getting the BDE BOLO. Around this time he also mentioned to me that he had spoken with one of the squad leaders from his future platoon and that he told him that they rarely go outside the wire, but when they do they are given almost no purpose or direction from their higher leadership. 1LT Lorange made references to being able to hang a list in the Troop TOC that indicated which higher level insurgent commanders that they are looking for and how he wanted to change the fact that they rolled outside the wire with very little guidance. He seemed excited to motivate the platoon and make positive changes. On or about 27 June 2012, 1LT Lorange came to (b)(6) (b)(7)(C) (b)(3) before heading to (b)(6) (b)(7)(C) (b)(3) is located. He sat in our SQDN Commander's Update Brief (CUB) and expressed his excitement about going to finally get a platoon. In the CUB, he showed me a folder that he had made with laminated documents including (b)(6) (b)(7)(C) (b)(3). He seemed like he had taken a lot of time and effort to prepare for taking over the platoon. He was taken to the range by (b)(6) (b)(7)(C) (b)(3) to zero his weapon, and only stayed at the COP between 24-48 hours before pushing up to (b)(6) (b)(7)(C) (b)(3). I overheard from some of the staff officers that 1LT Lorange had mentioned at this time how excited he was to finally get a platoon and how he only had about 5 weeks to be able to earn his Combat Infantry Badge (CIB). On 01 July 2012, I got an e-mail from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) saying that 1LT Lorange wanted a BOLO list before he rolled outside the wire the next day. I wrote him back and said (b)(6) (b)(7)(C) (b)(3) still working on getting one from BDE, but that I would send it as soon as I have it. The next day (02 July 2012), (b)(6) (b)(7)(C) (b)(3) that (b)(6) (b)(7)(C) (b)(3).

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 4 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 SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT (b)(6) (b)(7)(C) (b)(3) DATED 8 July 2012 CONTINUED

(b)(6) (b)(7)(C) (b)(3) indicated 1LT Lorange's platoon had taken 2 detainees and that they had a potential Civilian Casualty (CIVCAS) accident (b)(6) (b)(7)(C) (b)(3). I immediately spoke with (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) to get information about the detainees, including the 5 W's of why the detainees were taken and pictures to send to BDE. I could not get a clear story from (b)(6) (b)(7)(C) (b)(3) the (b)(6) (b)(7)(C) (b)(3) or anybody else in (b)(6) (b)(7)(C) (b)(3) on why these 2 individuals were taken. The only information I was given was that 1 of the detainees had suffered a gunshot wound to the arm, but that the platoon on the ground didn't know how he got it. I was told that a motorcycle was engaged that had 2-3x military aged males on it and that the wounded detainee came from the motorcycle. I also got information that a second detainee was taken for attempting to exfil the area after the engagement. I got names of the detainees, but had to wait until (b)(6) (b)(7)(C) (b)(3) returned to the strong point before I could get any further information. When (b)(6) (b)(7)(C) (b)(3) returned and called me, I told him that I was going to send him a storyboard format for him to fill in with information on the engagement and why the two detainees were taken. I instructed him to start taking pictures of the detainees and to start getting sworn statements from the guys that were on the ground during the event. He called me 1-2 hours later and informed me that he was having a tough time filling out the information because of all of the commotion with the CIVCAS, he wasn't really sure exactly what had happened. When I asked him why they took the detainees, he responded that he had absolutely no idea. He said the PL (1LT Lorange) said he wanted to take them back to Ghariban as detainees, so they complied. In one of the sworn statements for detainee operations, one of the soldiers from the platoon indicated that during the Rules of Engagement (ROE) brief that 1LT Lorange had instructed something along the lines of, that they should engage any 2 wheeled motorbikes or individuals that had ICOM radios. I spoke with (b)(6) (b)(7)(C) (b)(3) about this and told him that I didn't have a lot of evidence to send the BDE lawyer against the 2 detainees. He indicated to just send what I had and if they are innocent, we would at least be able to get some clarity on the events of the morning of 02 July 2012. On the evening of 02 July 2012, 1LT Lorange was brought to (b)(6) (b)(7)(C) (b)(3) and temporarily relieved of his position as PL. I didn't see him that night, but he was assigned a battle buddy for the COP (b)(6) (b)(7)(C) (b)(3) and had his weapon taken away. (b)(6) (b)(7)(C) (b)(3) said that he, 1LT Lorange and (b)(6) (b)(7)(C) (b)(3) all spoke that night and that (b)(6) (b)(7)(C) (b)(3) lended some advice of a similar situation that had happened to him. The way that (b)(6) (b)(7)(C) (b)(3) made it sound, it made it seem like (b)(6) (b)(7)(C) (b)(3) gave some extremely good advice to 1LT Lorange and had helped ease his mind a lot. (b)(6) (b)(7)(C) (b)(3) indicated that 1LT Lorange seemed extremely tired, that he was talking really fast, and was not making much sense when he spoke. (b)(6) (b)(7)(C) (b)(3) said that 1LT Lorange would take jokes a little too far and seemed like he didn't acknowledge the fact that nobody else was laughing at the uncomfortable jokes being made. The next morning I saw 1LT Lorange for the first time at the BDE BUB. He was in a very light-hearted mood and making jokes with me about having to have a battle buddy, asking if he was going to watch him while he slept and take showers with him. All was said in a joking manner. Throughout the next 2 days, 1LT Lorange had lunch and dinner on and off with (b)(6) (b)(7)(C) (b)(3). He would occasionally make inappropriate jokes that would not be typical talk after a tragic accident occurred like the one on 02 July 2012. Some of those jokes included comments about killing people, said in a joking and light-hearted manner. In those 2 days, I never saw any kind of remorse, sadness, mourning, or solemn behavior that would be anticipated after an event like a CIVCAS. He instead was upbeat, joking and always smiling. (b)(6) (b)(7)(C) (b)(3) continuously heard him say comments indicating how much he missed his platoon, how much he loved his Platoon Sergeant, and how much he couldn't wait to return to his Strong Point. This completely contradicts what (b)(6) (b)(7)(C) (b)(3) said about a conversation that he had with (b)(6) (b)(7)(C) (b)(3). (b)(6) (b)(7)(C) (b)(3) said that (b)(6) (b)(7)(C) (b)(3) had come into the SQDN TOC sometime between 04 July 2012 and 06 July 2012 and expressed how upset he was with 1LT Lorange and how much he didn't like him. On or about the evening of 03 July 2012, when 1LT Lorange was sitting next to me in the BDE CUB, he passed me a note with an arrow pointing at (b)(6) (b)(7)(C) (b)(3). The note said that he thinks the new 1LT is here to replace him. I told him not to worry about it and to just let the investigation play out. I told him that he would drive himself crazy if he was constantly speculating. He wrote me back and said that he didn't really care about it and that it was no big deal. He would simply return to the US, and go to Ranger School. At the bottom he said that all he wanted was to take a shower. The next day, he told me again that he was planning on returning to the states and going to Ranger School. He said Fort Hood had some PL openings, so once he got his Ranger Tab, he planned to be a PL again at Fort Hood. Between the dates of 04 July 2012 and 07 July 2012, I continuously heard comments being made in the SQDN (b)(6) (b)(7)(C) (b)(3).

INITIALS OF PERSON MAKING STATEMENT: (b)(6) (b)(7)(C) (b)(3) OFFICIAL USE ONLY PAGE 2 OF 4 PAGES

Law Enforcement Sensitive

000231

EXHIBIT 62

0254-12-CID379-77688

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT (b)(6) (b)(7)(C) (b)(3) DATED 8 July 2012 CONTINUED

(b)(6) (b)(7)(C) (b)(3) and in the SQDN Plans Shop about how 1LT Lorange would continuously make inappropriate jokes about killing people in their living quarters and how he was not acting the way that they would expect a person being investigated for murder would be acting. They started making nicknames for him and indicated how frustrated they were at the fact that he was showing no remorse for what had happened.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: Did you type the above narrative?

A: Yes.

Q: Is it in your own words?

A: Yes.

Q: You said (b)(6) (b)(7)(C) (b)(3) told you he and (b)(6) (b)(7)(C) (b)(3) spoke with 1LT LORANCE the night he arrived; what did he tell you they spoke about?

A: He said (b)(6) (b)(7)(C) (b)(3) told LT LORANCE about a situation where (b)(6) (b)(7)(C) (b)(3) He told LT LORANCE to hang in there and he will get word about the investigation when the time comes.

Q: (b)(6) (b)(7)(C) (b)(3) told you LT LORANCE would take jokes too far. Did he tell you what jokes he made?

A: Yes, but I don't remember what they were.

Q: When (b)(6) (b)(7)(C) (b)(3) and LT LORANCE had lunch over the course of a few days, can you go into more detail about the joke about killing people?

A: I don't recall exactly what it was.

Q: Did you feel threatened by the joke?

A: I did not feel threatened but I did, and I still do, worry about what he is going to do when he finds out how severe the situation is. I think it will hit him that he will not go to Ranger school or take over another platoon.

(b)(6) (b)(7)(C) (b)(3) sent him a letter saying that she wanted to leave him. I feel that would be a lot to handle in a short period of time.

Q: What do you mean by when he finds out how severe the situation is?

A: When someone tells him that he could have murder charges against him and face prison time.

Q: What are you worried about him doing when he finds that out?

A: I don't think he will hurt anyone or himself, but I think he would fall into a state of depression.

Q: Describe light hearted manner.

A: Cavalier. Like he didn't realize he had just made an inappropriate joke and didn't realize it was socially unacceptable to make jokes about killing people after an event like this.

Q: What did LT LORANCE mean by he didn't really care about it in his note?

A: That he had lost his platoon leader position.

Q: When you said he was planning on returning to the states, did he indicate when he would be returning?

A: With the unit during normal redeployment.

Q: What comments were made in the SQDN TOC and SQDN Plans Shop?

A: I don't remember.

Q: What nicknames were given in regards to LT LORANCE?

A: I believe LT Crazy Pants.

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

A: At the bottom of the e-mail I referenced in my statement, I made the comment "you might want to tell him a red motorcycle or a white Toyota Corolla" in regards to his BOLO request. I made this comment because those are the most commonly used vehicles in this AO and I was joking. I looked back at the statement on the e-mail and realized I failed to indicate that I wasn't serious and that it was a joke.

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

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

0254-12-CID379-77688

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

DATED 8 July 2012 CONTINUED:

STATEMENT (Continued)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

_____, 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) (b)(3)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of July, 2012 at

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

10 USC § 936

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

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PAGE 4 OF 4 PAGES

EXHIBIT 02 000233

(b)(6) (b)(7)(C) (b)(3)

I think that's
my replacement

↑

I don't even know where
he came from

did you hear something
about it?

Don't stress about it
until you hear
something

No, but idc, I take
full responsibility. No big deal.
I will just go back to Ranger
school when I get back.
It just want to take a shower
haha

- The investigation is going
to take a while. The

Some thing happened to

(b)(6) (b)(7)(C) (b)(3)

he sat at SK
for like 2 weeks until he
heard something. You could
be right... but hang in
there until you hear something
for sure. It's not good
to drive yourself crazy
through speculation. If
you ever need to vent - you
know I'm always here

Conversation between (b)(6) (b)(7)(C) (b)(3) and 1LT Clint Lorraine on or
about 03 July 2012 at about 1935.

(b)(6) (b)(7)(C) (b)(3)

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0254-12-C10379-77088

E000234 T 62

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) (b)(3)	DATE 8 Jul 2012	FILE NUMBER 0254-12-CID379-77688
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX (b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)		
(b)(6) (b)(7)(C) (b)(3)		
WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On 2 July 2012, 1LT Clint Lorange was brought to (b)(6) (b)(7)(C) (b)(3). I understood the seriousness of the situation and the reason he was being brought to (b)(6) (b)(7)(C) (b)(3). Clint walked into the tent and I was getting ready to go to the showers that night to conduct personal hygiene. I greeted Clint and asked him if everything was all right after the day that he and his Platoon had endured. This was the first moment when I realized that Clint had absolutely no idea the seriousness of the situation. He kept making manic statements about wanting to go back to his Platoon and that he had a shura on Friday 6 July that he had to get back to attend. I asked Clint where his weapon was and he told me that it had been taken from him along with other weapons that he had. I asked Clint this question to try and convey the gravity of the situation to him but he still didn't grasp the severity of what had or had not taken place that morning. I continued to be polite to Clint as the days wore on because he was housed in (b)(6) (b)(7)(C) (b)(3). (b)(6) (b)(7)(C) (b)(3) Clint did mention to me during this initial conversation something to the effect of: "there were motorcycles everywhere out there man" and also then made the statement "we used cca like fucking cowboys". These statements were made directly after each other and he visibly laughed while saying them which is why I stated earlier that he has been making manic statements that a normal person would not say during a situation like this. The days wore on and everytime I saw Clint or went into the tent I did not pay attention to him because I legitimately think he is not grasping reality right now. I made very short statements to him while not really paying attention to him and then I would put my headphones on signifying that I don't want anything to do with you. A few days went by and luckily I avoided talking to Clint all together until one night o/a 6 July when Clint engaged me more aggressively (b)(6) (b)(7)(C) (b)(3). He came over to me as I was taking my boots off and asked me about getting another Platoon Leader job and also if he could work at KAF for the redeployment piece in a few weeks. I told Clint that nothing has been decided and again kept it very short and brief. At that point Clint made the comment "man when I get back I am going to kill every motorcycle I see" as he was laughing. This laughter was not the typical I am having a wonderful time at a July 4 th cookout with my family type laughter, but rather a more evil manic laughter which alarmed me. At this point I looked at Clint and finally said the following, "Clint you need to stop talking to me and saying things like this, do you not understand the gravity of the situation that you are currently in right now?" Clint responded by saying something to the effect of, "I am just joking man calm down". In my personal opinion the biggest thing that I have found to be a problem this entire time 1LT Lorange has been housed at (b)(6) (b)(7)(C) (b)(3) is the fact that he has shown no remorse or understanding of the situation he is currently in. At no point has he stated any feelings of sadness or remorse for anything that he did or did not do. I do not feel safe in the tent with him and I look forward to him not being in the tent. Q: (b)(6) (b)(7)(C) (b)(3) A: (b)(6) (b)(7)(C) (b)(3) Q: Did you type the above narrative? A: Yes. Q: Is it in your own words? A: Yes. Q: Did you tell LT LORANCE about a situation where you were previously under investigation? A: Yes, however I made the situation up just so he wouldn't do anything crazy. I wanted him to feel comfortable around (b)(6) (b)(7)(C) (b)(3). I was worried about the situation hitting him and him realizing he may be in trouble and I didn't want him to hurt anyone. I wanted to be the nice guy and polite so I wasn't on his hit list if he went crazy. I also didn't want him to hurt himself. I told him that he (b)(6) (b)(7)(C) (b)(3).		
EXHIBIT	INITIALS OF PERSON MAKING (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 3 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 CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

0254-12-CID379-77688

(b)(6) (b)(7)(C) (b)(3) STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT (b)(6) (b)(7)(C) (b)(3) DATED 8 July 2012 CONTINUED

would be ok and that he would be fine in 6 months. I tried to give him the impression that everything would be fine.

Q: Describe your conversations with him.

A: A normal conversation with people would have order to it and a sense of structure. His conversations were without order, he would jump around and make manic comments in the middle of a statement. Like "my RTO was on my right, fuck CCA is cool!" He is very aggressive when you talk to him. He came in TOC a few days after the incident and asked "Where the fuck are the investigators at? I want to get this thing over with." I told him they will contact him and told him the TOC was not a hang out place and he left.

Q: How do you feel around LT LORANCE.

A: I keep my answers short because I am nervous around him. I don't want to be the guy who tells him any bad news and end up strangled by him because of it. He has no remorse for anything he did and still does not understand the gravity of this situation. He has no feelings that he cares, it's all about him.

Q: What indications does he give you that make you concerned for your safety?

A: His manic state of mind and that he has zero idea of what has actually taken place. I realize they took his weapon but he still has access to other weapons.

Q: Has there been any training reference motorcycles being bad and may be engage regardless of intent?

A: No. Just because they are on a motorcycle you can't engage them. There are bad people on cars, on foot and run. There are also good people on motorcycles, in cars, on foot and that run. You can't just see a motorcycle and engage. It would be outrageous to think you could engage a motorcycle for no reason other than it being a motorcycle. LT LORANCE went through advanced situational awareness at Ft Bragg before we deployed. There was a situation in the training where we had a truck driving towards us and we had to go through the situation. We were trained to look at the overall situation and ask why the truck was there, what were the characteristics of the truck vs the normal local populous vehicles to try to find indicators.

Q: Has LT LORANCE told you anything about the engagement on 2 Jul 12?

A: No. He hasn't said anything about it. Even if he had started to, I would have stopped him and told him I didn't want to hear about it.

Q: Has anyone who was involved in the engagement told you anything about it?

A: No.

Q: What is CCA?

A: It's the attack weapons teams of helicopters that are always in our battle space. We use them for lethal engagements, overwatch, scanning, defensive operations. They are our eyes in the sky to help if needed.

Q: Has he made any specific jokes?

A: No, there have not been any punch line type jokes. Just the manic comments that he will say he was joking when he sees I'm uncomfortable.

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

A: No.///END OF STATEMENT///(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT: (b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGES

000236
EXHIBIT 63

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT (b)(6) (b)(7)(C) (b)(3) DATED 8 July 2012 CONTINUED:
STATEMENT (Continued)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) 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 (b)(6) (b)(7)(C) (b)(3) OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON TAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of July, 2012.

At (b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed Name of Person Administering Oath)

10 USC § 936

(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

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) (b)(3)	DATE 8 Jul 2012	TIME 1415	NUMBER (b)(6) (b)(7)(C) (b)(3) 0254-12-CID379-77688
LAST NAME FIRST NAME MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER xxx-xx (b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)	
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)			

I, (b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I was assigned (b)(6) (b)(7)(C) (b)(3)

Since then we have spoken on a number of occasions. The majority of these discussions did not involve the incident and he has never made me feel nervous or insecure. When we first spoke he mentioned that he took full responsibility for what had happened. He stated that it was his platoon and he gave the orders in turn taking responsibility. When describing the incident I remember being surprised at how animated and energetic he was. It didn't seem as if he acknowledged the seriousness of the events that just took place or felt remorse. He said on numerous occasions that he couldn't wait to get back to his platoon because they are all "fucking awesome" and high speed. He acknowledged that he tried to change too many things too fast. One comment that sticks in my head is a comment he made about stopping PAXs on a motorcycle. He randomly stated that he wanted to create a device that could stop a motorcycle. He even discussed using a line or piece of wire to knock the PAXs off the bike. This surprised me since I knew that the incident involved PAXs on a motor cycle. He stated that there was INS all around him and his platoon while they were on patrol and that his platoon shot two with ICOMs. I then asked him if they recovered the bodies and equipment. He stated that they attempted to recover the bodies however something happened which prevented them from reaching their location. He later received word that the bodies had been carried away. At one point he indicated that he instructed his platoon to stop a motorbike and they utilized the VIC to halt its movement. Without getting into many details LT Lawrence stated that it was going to be difficult to explain what actually happened on the patrol without atmospheric. He stated that, out there it is so difficult to tell who is who. Everyone looks the same. Overall, I do feel his actions were strange; however everyone copes with situations in different ways.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: Did you type the above narrative?

A: Yes.

Q: Is it in your own words?

A: Yes.

Q: Describe the conversation where he said he took full responsibility for what had happened.

A: He acknowledged the fact there was a CIVCAS and stated he was fully responsible because he gave the orders and they are his platoon and he is responsible for their actions. He did not give specific details.

Q: What was his demeanor when you had conversations with LT LORANCE?

A: A lot of times he was joking around. He made light of the situation. I was surprised that he was joking around about stopping pax on a motorcycle the first night he got here. He was laughing about it and showed no remorse and didn't seem to realize the seriousness of the situation. I still don't even know how much he knows.

Q: What is his demeanor now?

A: He was much quieter yesterday and I haven't seen him much the last day and a half. He sleeps the majority of the day and seems more somber. I guess he may be starting to realize it's much more serious than what he thought. I haven't heard him joke around about it the last couple of days.

Q: What are some inappropriate comments and jokes he has made?

A: He was talking to (b)(6) (b)(7)(C) (b)(3) about a conversation he had with somebody else and made a comment reference that conversation of "I'll kill you." I took it as a figure of speech, and I don't know the exact details. I didn't feel threatened and he was not saying that about (b)(6) (b)(7)(C) (b)(3). I can't remember details but I recall his demeanor as shocking. He said he accepted responsibility, but he did not act remorseful. He was not (b)(6) (b)(7)(C) (b)(3).

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 3 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 CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

0254-12-CID379-77688

(b)(6) (b)(7)(C) (b)(3)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT (b)(6) (b)(7)(C) (b)(3) DATED 8 July 2012 CONTINUED

somber, reserved or appeared guilty. He didn't act like the situation was bothering him.

Q: In detail, what did he tell you about the engagement?

A: He said he got to the platoon and tried to change too many things too quickly. He exerted too much authority. He gave the impression the platoon was dysfunctional before he arrived. He regretted trying to make too many changes. When they went out on the patrol he said they were surrounded by insurgents and they saw two people with ICOM's and engaged them. He said they tried to get to the bodies but were not able to get to them so they continued on. Radio traffic told him the bodies were taken by local nationals. I remember him saying multiple times that his "fires guys" are fucking awesome. He said that his fires guys were using flares to force the insurgents to move. He said a motorcycle was not stopping and he told someone inside the vehicle staged on the road to make the motorcycle stop. He stated multiple times that it is going to be hard to explain what happened out there without the atmospheric conditions. He said when you are out there it's hard to tell who is who. Everyone looks bad. I took it as referencing local nationals. He also seemed very protective of his platoon. Then he primarily talked about wanting to get back to his platoon. The whole time I thought he was delusional. He said he planned a shura for Friday 6 Jul 12 and wanted to get back for. The rest of the times I tried to get him to talk about where he grew up and his prior service. He asked me at one point if I would rent his house from him that he bought at Ft Bragg. It's almost like he is planning on not being at Ft Bragg. He believes he is going to be fired from his platoon position but accepts it stating the military always has a plan. He said he will go back to the states and go to ranger school.

Q: What did he tell you about his prior service?

A: I talked to him about being stationed in Alaska because I went there last year for training and he was stationed there at one time. He said he went Green to Gold in TX.

Q: Do you know of any life events recently with LT LORANCE?

A: I know that he had a child with an old girlfriend but he does not have any involvement with his child. But he is still friends with her. He stated about a month ago the chaplain asked him if he was dating anyone and he said he was engaged and received a dear john letter about a month ago and they are no longer together. He said he has nothing more to worry about as far as that relationship goes. I think he was masking the fact that he was upset.

Q: What was his demeanor when he told you about the dear john letter?

A: He tried to play it off like it didn't bother him, but I got the other impression that he was trying to be tough.

Q: What else can you tell me about LT LORANCE?

A: I would not want to be around when he finds out how serious this is because I think it will make him unstable. He has joked around about the possibility of going to jail over this incident. He mentioned his plans after the deployment and would caveat it with "if I don't go to jail." He has also offered me to rent his house (b)(6) (b)(7)(C) (b)(3) Which is weird to me if he plans on staying at Ft Bragg.

Q: Why do you not want to be around when LT LORANCE finds out how serious this incident is?

A: I've been judging his demeanor since he has been here and he has been trying to play the tough guy role, that the incident is not bothering him and that he is in denial.

Q: What are you nervous about him doing when he finds out?

A: Possibly doing harm to himself. I'm not saying he needs a straight jacket but I think he needs watched to make sure nothing happens.

Q: Other than what you have mentioned, can you remember any other inappropriate jokes LT LORANCE has made?

A: No. Not with confidence.

Q: Other than what you have mentioned, can you remember any other inappropriate comments LT LORANCE has made?

A: No.

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

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

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT: (b)(6) (b)(7)(C) (b)(3)

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Law Enforcement Sensitive

PAGE 2 OF 3 PAGES
000239

EXHIBIT 64

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

DATED 8 July 2012 CONTINUED:

STATEMENT (Continued)

(b)(6) (b)(7)(C) (b)(3) AFFIDAVIT

I, _____, 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)(3)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of July, 2012 at

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

10 USC § 936

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

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PAGE 3 OF 3 PAGES

Law Enforcement Sensitive

EXHIBIT 4 000240

CANVASS INTERVIEW WORKSHEET

DATE: 8 Jul 12	ROI#: 0254-12-CID379-77688			
Start Time: 1000	Unit/Organization: (b)(6) (b)(7)(C) (b)(3) 0254-12-CID379-77688			
End Time:	FOB/COP/Base/Installation: (b)(6) (b)(7)(C) (b)(3)			
LOCATION: Bldg/Tent/Hut	NAME: (Rank/Title First MI Last)	SSN: (Last Four)	PHONE: D = DSN C = Cell	REMARKS: SI = Significant Information NSI = No Significant Information

Name: (b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)	only a few casual conversations nothing the caused any alarms. no nicknames and no inappropriate jokes.
Address:		
Name: (b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)	only casual Hello's & How are you. has not heard any inappropriate jokes or comments.
Address:		
Name: (b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)	little to no contact has not heard alarming comments or anything that would be cause for concern
Address:		
Name: (b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)	
Address:		
Name: (b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)	- LOPRANKS said they were Robots as in respect to discipline and soldiers' SERIS specifically. has not heard off the wall jokes or comments.
Address:		

RIGHT WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is DCSOPS**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 Kandahar CID Office		2. DATE 9 Jul 12	3. FILE NO. 0254-12-CID379-77688
5. NAME (Last, First, MI) LORANCE, Clint Allen		8. ORGANIZATION OR ADDRESS C Troop, 4/73 CAV, 4 BCT, 82nd ABN DIV	
6. SSN XXX-XX (b)(6) (b)(7)(C) (b)(3)	7. GRADE/STATUS 1LT/AD	Strong Point Payenzai, Afghanistan 09370	

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**Section A. Rights**

The investigator whose name appears below told me that he is with the United States Army **Criminal Investigation Command (CID)**
as a **Special Agent** and wanted to question me about the following offense(s) of which I am
suspected/accused **Murder, Aggravated Assault, Dereliction of Duty, False Official Statement///**

Before he asked me any questions about the offense(s), however, he 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 a 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)

Have you ever requested a lawyer after being read your rights in the last 30 days? A: **NO**

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)		(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)
b. ORGANIZATION OR ADDRESS AND PH		
2a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		

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. SIGN **(b)(6) (b)(7)(C) (b)(3)**

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

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: (Name and Organization of the person to whom authorization is given)

(b)(6) (b)(7)(C) (b)(3)

0254-12-CID379-77688

(An affidavit) (A sworn or (unsworn) oral statement) having been made before me by

(b)(6) (b)(7)(C) (b)(3)

(Name of Affiant)

(b)(6) (b)(7)(C) (b)(3)

(Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located (on the person) (at the place) to be searched, you are hereby ordered to search the (person) (place) known as

1LT LORANCE's binder located in the temporary evidence locker, Kandahar CID Office, KAF (1LT CLINT LORANCE)

for the property described as any books, notes, hand written letters, notebooks, journals or any other documents belonging to 1LT

LORANCE which may include items of evidentiary value which may refute, or prove the allegation against 1LT LORANCE.

bringing this order to the attention of the (person searched) (person in possession, if any person be found at the place or on the premises searched). The search will be made in the (daytime) (nighttime), and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

(b)(6) (b)(7)(C) (b)(3)

(Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

Dated this 9 day of July, 2012

TYPED NAME AND GRADE OF AUTHORIZING OFFICIAL

DUTY POSITION OF AUTHORIZING OFFICIAL

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OF AUTHORIZING OFFICIAL

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: (Name and Organization of the person to whom authorization is given)

(b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)

or any other appointed representative or special agent of CID

0254-12-CID379-77688

(An affidavit) (A sworn) or (unsworn) oral statement

having been made before me by

(b)(6) (b)(7)(C) (b)(3)

(Name of Affiant)

(b)(6) (b)(7)(C) (b)(3)

(Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located ~~(on the person)~~ (at the place) to be searched, you are hereby ordered to search the ~~(person)~~ (place) known as

CLINT

1LT LORANCE's personal belongings located in his living quarters and unit working area, KAF, SP Payenzai, or COP Siah Choy

for the property described as any books, notes, hand written letters, notebooks, journals or any other documents, any computers,

any digital media, or any other devices which may be used to store information electronically belonging to 1LT LORANCE

which may include items of evidentiary value which may refute, or prove the allegation against 1LT LORANCE.

bringing this order to the attention of the ~~(person searched)~~ (person in possession, if any person be found at the place or on the premises searched) The search will be made in the (daytime) (nighttime) and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

(b)(6) (b)(7)(C) (b)(3)

(Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

Dated this 9 day of July, 2012

TYPED NAME AND GRADE OF AUTHORIZING OFFICIAL

(b)(6) (b)(7)(C) (b)(3)

DUTY POSITION OF AUTHORIZING OFFICIAL

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OF AUTHORIZING OFFICIAL

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE OF AUTHORIZING OFFICIAL

(b)(6) (b)(7)(C) (b)(3)



DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
COMPUTER CRIME INVESTIGATIVE UNIT
27130 TELEGRAPH ROAD
QUANTICO, VIRGINIA 22134

July 10, 2012

0254-12-C10379-77688

Army Knowledge Online
Attn: Mr. (b)(6) (b)(7)(C)
10125 Beach Road
Fort Belvoir, VA 22060

Via Email to (b)(6) (b)(7)(C)@us.army.mil

Re: Request for Preservation of Records

Dear Army Knowledge Online:

Pursuant to Title 18, United States Code, Section 2703(f), this letter is a formal request for the preservation of all stored communications, records, and other evidence in your possession regarding the following email account pending further legal process:

(b)(6) (b)(7)(C) (b)(3) ("the Account").

I request that you not disclose the existence of this request to the subscriber or any other person, other than as necessary to comply with this request. If compliance with this request might result in a permanent or temporary termination of service to the Account, or otherwise alert any user of the Account as to your actions to preserve the information described below, please contact me as soon as possible and before taking action.

I request that you preserve, for a period of 90 days, the information described below currently in your possession in a form that includes the complete record. This request applies only retrospectively. It does not in any way obligate you to capture and preserve new information that arises after the date of this request. This request applies to the following items, whether in electronic or other form, including information stored on backup media, if available:

1. The contents of any communication or file stored by or for the Account and any associated accounts, and any information associated with those communications or files, such as the source and destination email addresses or IP addresses.
2. All records and other information relating to the Account and any associated accounts including the following:
 - a. Names (including subscriber names, user names, and screen names);
 - b. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
 - c. Local and long distance telephone connection records;

0254-12-C10379-77688

- d. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
- e. Length of service (including start date) and types of service utilized;
- f. Telephone or instrument numbers (including MAC addresses);
- g. Other subscriber numbers or identities (including the registration Internet Protocol ("IP") addresses); and
- h. Means and source of payment for such service (including any credit card or bank account number) and billing records.

If you have questions regarding this request, please call me at DSN 318-421-6219 or via email at (b)(6) (b)(7)(C)@us.army.mil.

Sincerely,

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

Special Agent



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
United States Army Criminal Investigation Command
83rd Military Police Detachment (CID)
Kandahar CID Office
Kandahar, Afghanistan, APO AE 09355

0254-12-CID379-77688

CIRC-KAF

10 Jul 12

0254-12-CID379-77688

Compliance Team
Yahoo! Inc.
701 First Avenue Sunnyvale, California 94089
Fax: 408-349-7941

Dear Custodian of Records:

Our agency is conducting an ongoing criminal investigation that involves one or more Yahoo! users. As part of that investigation, we are requesting that information related to the Yahoo! e-mail address listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information and/or e-mail correspondence related to the following customer or subscribers:

Yahoo! IDs: Unknown

Yahoo! e-mail address: (b)(6) (b)(7)(C) (b)(3)

Name: Clint Lorange

Address: None

Additional Identifying Information (b)(6) (b)(7)(C) (b)(3)

At this time we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

The point of contact for this request is the undersigned at (b)(6) (b)(7)(C) (b)(3)

Sincerely

(b)(6) (b)(7)(C) (b)(3)

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EXHIBIT 69
000247

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

PAGE 1 OF 6 PAGES

DETAILS

About 0930, 13 Jul 12, (b)(6) (b)(7)(C) (b)(3) conducted a check of the DCII and the NCIC which disclosed (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) had no criminal records.

About 2152, 13 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided (b)(6) (b)(7)(C) (b)(3) with all SIGACT's from 26 May 12, through 13 Jul 12, for the area of both engagements and the CONOP for the mission on 2 Jul 12. A review of the SIGACT's (14) identified only one other incident in which a motorcycle was involved. (See SIGACT's and CONOP)

About 2320, 13 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided this office with the CONOP and Storyboard for the mission on 23 Jun 12, wherein (b)(6) (b)(7)(C) (b)(3) was the motivation for 1LT LORANCE according to platoon member's statements. A review of the Storyboard indicated this incident was the first time 1st Platoon, C TRP received small arms fire while in the village of Sarenzai. (See CONOP and Storyboard)

About 0915, 14 Jul 12, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) spoke with (b)(6) (b)(7)(C) (b)(3) who stated (b)(6) (b)(7)(C) (b)(3) motorcycles were very common in this area. (b)(6) (b)(7)(C) (b)(3) stated motorcycles were more prominent than other vehicles. (b)(6) (b)(7)(C) (b)(3) was asked if any of the other platoons have treated any locals roughly as described by (b)(6) (b)(7)(C) (b)(3) in the 15-6 investigation. (b)(6) (b)(7)(C) (b)(3) stated there were never any reports or indications that any locals were mistreated. (b)(6) (b)(7)(C) (b)(3) stated (b)(6) (b)(7)(C) (b)(3) came to the platoon after the platoon leader was injured and may have been mistaken on how the locals were being treated.

About 1918, 14 Jul 12, SA (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement documenting his interaction with 1LT LORANCE. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE initially was relaxed when he arrived on SP Payenzai but changed his attitude at the first mission. (See Sworn Statement)

About 1942, 14 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement recounting his interactions with 1LT LORANCE. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE lied when he reported the ANA reduced an IED with 30 pounds of HME with an RPG by ANA. 1LT LORANCE directed the ANA to fire the RPG, but it was at a doorframe and not an IED. (See Sworn Statement)

AGENT'S COMMENT: (b)(6) (b)(7)(C) (b)(3) utilized the entire sworn statement for narrative and used the page with the affidavit instead of getting a continuation page. Sworn statement was closed out and continued on a new sworn statement.

About 1948, 14 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who stated he was not present for the patrol that culminated with the death of two civilians. (b)(6) (b)(7)(C) (b)(3) stated (b)(6) (b)(7)(C) (b)(3) on the

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

18 Jul 12

EXHIBIT

76

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1 Jul 99

000248

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS

previous day with 1LT LORANCE and was requested numerous times by 1LT LORANCE to conduct "recon by fire" but (b)(6) (b)(7)(C) (b)(3) rejected his commands each time. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE ordered a rocket propelled grenade to be utilized to detonate a suspected improvised explosive device and told unit members not to report the incident. (See Sworn Statement)

About 2049, 14 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement adding details to his previous sworn statement. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE called meetings at random hours and did not sleep. 1LT LORANCE further gave unrealistic timelines of tasks he gave and got angry when they were not met. (b)(6) (b)(7)(C) (b)(3) stated motorcycles were very common in the area and they have even watched individuals with weapons ride on motorcycles without engaging. (b)(6) (b)(7)(C) (b)(3) stated there was only one engagement where 1st Platoon engaged without being engaged first and that was only done as they were able to identify clear hostile intent/actions. All other engagements have been IED or return fire. (See Sworn Statement)

About 2227, 14 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who stated he viewed the incident via a Cerebus camera system. (b)(6) (b)(7)(C) (b)(3) stated as he watched a motorcycle approach carrying three males and stop near the patrol. The males exited the motorcycle and (b)(6) (b)(7)(C) (b)(3) recognized one of the passengers as a village elder. Before (b)(6) (b)(7)(C) (b)(3) could notify the patrol an order was given by 1LT LORANCE to engage the three males. (b)(6) (b)(7)(C) (b)(3) stated two males were killed and one ran away. (See Sworn Statement)

About 1111, 15 Jul 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who related 1LT LORANCE only accessed one computer at COP Ghariban and that entire computer was shipped to FOB Pasab for safekeeping until the hard drive could be collected by CID. Further (b)(6) (b)(7)(C) (b)(3) related 1LT LORANCE only accessed one computer on (b)(6) (b)(7)(C) (b)(3) which his shop already removed the hard drive from for safekeeping until it could be collected by CID.

About 1554, 15 Jul 12, (b)(6) (b)(7)(C) (b)(3) re-interviewed (b)(6) (b)(7)(C) (b)(3) who clarified her previous statement. (b)(6) (b)(7)(C) (b)(3) related she had minimal contact with 1LT LORANCE outside of work and had no contact with him prior to the deployment. He occasionally expressed his unhappiness over not being a platoon leader and was hopeful we would get the chance to take over a platoon. 1LT LORANCE explained to her a time when he was stopped by the BDE DCO for not wearing his required reflective belt or had his assigned weapon with him. 1LT LORANCE related he blew off the DCO and continued to not wear his reflective belt or carry his assigned weapon. (b)(6) (b)(7)(C) (b)(3) stated when arrived at (b)(6) (b)(7)(C) (b)(3) his demeanor was very similar to his demeanor at FOB Pasab, but he was more excited about the opportunity to lead the platoon. She stated 1LT LORANCE did not appear aggressive. After he returned from SP Payenzai he was different. He did not seem like he was embarrassed about the event or for being relieved of his position. He was very nonchalant and did not care

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

18 Jul 12

EXHIBIT

70

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000249

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DETAILS

about anything. (b)(6) (b)(7)(C) (b)(3) stated he sent her an e-mail after the incident of a picture of a female and said she might be interested. (b)(6) (b)(7)(C) (b)(3) stated the e-mail was very random and inappropriate. At the bottom of the e-mail he put the word "kisses." She stated it was very creepy and it made her uneasy. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE did not speak to her about the incident other than the post it notes she previously provided. (See E-Mail, (b)(6) (b)(7)(C) (b)(3))

About 2200, 15 Jul 12, (b)(6) (b)(7)(C) (b)(3) met with (b)(6) (b)(7)(C) (b)(3) and obtained point of contact information for (b)(6) (b)(7)(C) (b)(3) who was the former platoon leader. (b)(6) (b)(7)(C) (b)(3) stated (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) could be reached by calling (b)(6) (b)(7)(C) (b)(3) at (b)(6) (b)(7)(C) (b)(3) or (b)(6) (b)(7)(C) (b)(3)

About 1130, 16 Jul 12 (b)(6) (b)(7)(C) (b)(3) obtained major case fingerprints, (b)(6) (b)(7)(C) (b)(3) and mugshots from (b)(6) (b)(7)(C) (b)(3)

About 1200, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) canvass interviewed the Afghan National Army Soldiers at SP Payenzai through the interpretation of (b)(6) (b)(7)(C) (b)(3) The following are details from the meeting.

(b)(6) (b)(7)(C) (b)(3) was the platoon sergeant for the ANA and did the talking in regards to the mission on 2 Jul 12. (b)(6) (b)(7)(C) (b)(3) stated the motorcycle riders approached at a high rate of speed when the Americans fired shots at them. They got off their bike, but nobody said anything to them. They re-approached their motorcycle and were engaged by the gun truck. (b)(6) (b)(7)(C) (b)(3) related during a meeting on 1 Jul 12, he stated to 1LT LORANCE that they (ANA) were authorized to engage anyone on a motorcycle if they had a weapon with them. They were not authorized to engage a motorcycle if there were no other indicators. (b)(6) (b)(7)(C) (b)(3) stated (b)(6) (b)(7)(C) (b)(3) was on the mission on 1 Jul 12, and fired the RPG at the suspected IED.

(b)(6) (b)(7)(C) (b)(3) stated he was on the mission on 1 Jul 12, when they approached a suspected IED (b)(6) (b)(7)(C) (b)(3) related he was not close to enough to see what it was, but was grabbed by 1LT LORANCE after they were at an appropriate standoff distance and told to go with him. 1LT LORANCE took (b)(6) (b)(7)(C) (b)(3) to within 30 meters and directed him to fire the RPG at the suspected IED. (b)(6) (b)(7)(C) (b)(3) related he respected 1LT LORANCE's position and rank and did as he was ordered.

(b)(6) (b)(7)(C) (b)(3) related he was at the ECP when a local national (LN) came and asked 1LT LORANCE if he would move C-wire so he could tend to his fields. LT LORANCE asked the LN if he knew where any IED's were and to bring them to him. The LN stated he did not know where IED's were. LT LORANCE told him to bring 20 people to the Shura and he would move the concertina wire. He said if the LN

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

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did not bring 20 villagers, or IED's and one of his Soldiers were injured on his land, he would have his troops kill him and his family.

About 1235, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who stated he came on duty at 0800, 2 Jul 12. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE reported they had one engagement where two enemies were killed and 1st Platoon captured one detainee. Upon arrival at SP Ghariban, 1LT LORANCE reported that they had two engagements where there were four enemy killed and they captured two detainees. (b)(6) (b)(7)(C) (b)(3) stated their rules of engagement had not changed and they were expected to conduct battlefield damage assessment whenever it was possible. (See Sworn Statement)

About 1240, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who stated he overheard the conversation 1LT LORANCE had with the villagers over concertina wire. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE told the villagers that if they wanted the concertina wire moved they had to bring IED's to him then he would move the wire. The villagers were also told that if an IED was located on their land they would be killed by the Afghan National Army since they should know who has been on their property. 1LT LORANCE told the villagers that if they had any questions they needed to come to the Shura that is held on Fridays. (b)(6) (b)(7)(C) (b)(3) stated he described all of this information in his previous statement.

About 1305, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who reiterated his first and second statement. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE was approached at the Entry Control Point by four locals who wanted to speak with him but they were about to start patrolling and 1LT LORANCE told them they had to come to the Shura on Friday then started counting down signifying he would shoot them if they did not leave. (b)(6) (b)(7)(C) (b)(3) also stated 1LT LORANCE stated they would "rough up" the locals in an effort to force them to attend the Shura on Fridays. (b)(6) (b)(7)(C) (b)(3) stated he described all of this information in his previous statement.

About 1325, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing his actions and communication (b)(6) (b)(7)(C) (b)(3) on 2 Jul 12. (b)(6) (b)(7)(C) (b)(3) related 1LT LORANCE directed him to have the Close Combat Aviation (CCA) conduct harassing fire, which he knew would not be authorized or completed. (See Sworn Statement)

AGENT'S COMMENT: (b)(6) (b)(7)(C) (b)(3) conducted the interview in a field environment, with no prior knowledge that an interview would be conducted. (b)(6) (b)(7)(C) (b)(3) created a statement form using a blank paper and wrote in the required fields to the best of his knowledge.

About 1400, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who stated 1LT LORANCE acted calm but appeared eager. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE's eagerness was a sign of being a new officer. (b)(6) (b)(7)(C) (b)(3) stated that he provided an initial verbal counseling when 1LT LORANCE arrived and detailed his expectations of him. (b)(6) (b)(7)(C) (b)(3) stated there were no signs that he did not understand his mission and

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

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stated he was highly regarded as he came from the brigade Tactical Operations Center. (b)(6) (b)(7)(C) (b)(3) stated he described all of this information in his previous statement to (b)(6) (b)(7)(C) (b)(3) the assigned AR 15-6 Officer.

About 1453, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein he stated he was (b)(6) (b)(7)(C) (b)(3) during the engagements by 1st Platoon (b)(6) (b)(7)(C) (b)(3) stated in the initial report he received there were three to four personnel conducting visual operations on 1st Platoon and 1st Platoon engaged them. The report estimated at least one enemy was killed. (b)(6) (b)(7)(C) (b)(3) was instructed to notify Chainsaw 16, 1LT LORANCE, to conduct BDA. Additionally, the patrol later reported the support by fire element engaged two enemies that were in possession of individual communication devices. (b)(6) (b)(7)(C) (b)(3) stated he did not get any additional information from the patrol and passed off control (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1500, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) and received a copy of the Duty Officer's Log for the events that occurred on 2 July 12. The log contained the reports from the field that were related by 1LT LORANCE's patrol. The log began at 0655 and ended at 2355, 2 Jul 12. (See Duty Officer's Log)

About 1530, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) obtained fingerprints, (b)(6) (b)(7)(C) (b)(3) and mugshots for (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1545, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) obtained fingerprints, (b)(6) (b)(7)(C) (b)(3) and mugshots for (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1600, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) obtained fingerprints, (b)(6) (b)(7)(C) (b)(3) and mugshots for (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1630, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) obtained fingerprints, (b)(6) (b)(7)(C) (b)(3) and mugshots for (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1645, 16 Jul 12, (b)(6) (b)(7)(C) (b)(3) obtained fingerprints, (b)(6) (b)(7)(C) (b)(3) and mugshots for (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1850, 17 Jul 12, (b)(6) (b)(7)(C) (b)(3) collected an internal hard drive from (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)
The hard drive was documented on an EPCD, Document Number 785-12. (See EPCD)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

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(b)(6) (b)(7)(C) (b)(3)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DATE

18 Jul 12

EXHIBIT

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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) (b)(3)	DATE 14 JUL 19 17 55 1918 (b)(6) (b)(7)(C) (b)(3)	FILE NUMBER 0254-12-CI-379-77638
LAST NAME FIRST NAME MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER (b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)		

(b)(6) (b)(7)(C) (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

THE FIRST DAY LT LORENCE WAS WITH US AT (b)(6) (b)(7)(C) (b)(3) WE WERE ALL HAVING A GREAT TIME. WE WERE PUTTING TENTS UP, BUILDING STRUCTURES PRETTY MUCH JUST BEAUTIFYING THE SP. THE CHAPLAIN WAS EVEN THERE HAVING A GREAT TIME, TAKING PICTURES, AND JUST HAVING A GREAT TIME. LT LORENCE DIDN'T SHOW ANYTHING OUT OF THE ORDINARY, TO MAKE US THINK ANYTHING WAS WRONG. THE NEXT DAY WE STARTED OUR FIRST MISSION. THAT IS WHEN THINGS STARTED TO CHANGE (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) PRETTY MUCH IDIOT PROOF, WITH TWO CHANNELS. ONE CHANNEL FOR TROOP AND ONE FOR PLT. RANDOMLY THROUGH OUT THE MISSION HE WOULD FREAK OUT. SAYING THINGS LIKE (b)(6) (b)(7)(C) (b)(3) "WHAT THE FUCK, THIS RADIO DOESN'T WORK." THEN I WOULD GO LOOK AT HIS RADIO AND NOTICE HE IS ON A TOTALLY DIFFERENT CHANNEL THEN THE ONES I SPECIFICALLY TOLD HIM TO USE. I TOLD HIM, "SIR, YOU ARE ON THE WRONG CHANNEL." HE WOULD GET A QUICK RADIO CHECK AND NOTICE THAT IT WAS PERFECTLY FINE. THEN HE WOULD SAY (b)(6) (b)(7)(C) (b)(3) "YOU'RE DOING A GREAT JOB, KEEP IT UP MAN." I WOULD JUST LOOK AT HIM AND SAY TO MYSELF, "WHAT IS UP WITH THIS GUY." IT WAS ALMOST LIKE HE HAD A SWITCH. AT ONE POINT I SERIOUSLY THOUGHT HE WAS BI-POLAR. HE WOULD COMPLAIN ABOUT THE RADIO ABOUT EVERY 10 MINUTES, ONLY TO CONTRADICT HIMSELF A MINUTE LATER. WHEN WE GOT TO THE OBJECTIVE, WE FOUND A POSSIBLE IED. WELL WE THOUGHT IT WAS AIED. IT TURNED OUT TO BE THE METAL BASE PLATE TO A METAL GATE. WE EXPLAINED TO HIM WHAT IT WAS BUT HE WOULDN'T LISTEN TO ANY OF US. HE WAS NOT UP FOR SUGGESTIONS, IT WAS ALWAYS ABOUT HIM. SO HE GRABBED THE ANA AND HAD THEM SHOOT AN RPG AT IT. LATER (b)(6) (b)(7)(C) (b)(3)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 4 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 SIDE OF ANOTHER COPY OF THIS FORM.

0254-12-C1D379-77688

STATEMENT OF

TAKEN AT

DATED 14 JUL 12 CONTINUED

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

5 MINUTES LATER, HE CALLED THAT THE ANA EXPLOTTED THE 301bS HME IED. EVEN THOUGHT WE ALL KNEW IT WASNT AN IED. AFTER THIS WE GO BACK TO THE SP. LATER THAT NIGHT, LT LORENCE DECIDES TO POP SHOTS FROM TOWER 2. AFTERWARDS HE CAME INTO THE TOC ALL PUMPED UP AND EXCITED ABOUT WHAT HE JUST DID. EVERYONE HAD A DISCUSSED LOOK ON THEIR FACE. HE SAID HE WAS DOING IT BECAUSE HE WANTED PEOPLE TO COME TO HIS SHURA, WHICH WOULD BE EVER FRIDAY AT 0900. HE WAS SO OBSESSED ABOUT GETTING PEOPLE TO COME TO THESE SHURAS. YES, SHURAS ARE GOOD BECAUSE WE GET TO INTERACT WITH THE LOCALS AND HELP THEM OUT BUT HE TOOK IT TO A WHOLE NEW LEVEL. IN THE PAST WE HAD PRETTY GOOD SUCCESS WITH SHURAS BUT WE ACTUALLY WENT OUT TO THE VILLAGES AND TALKED TO THE VILLAGERS, TELLING THEM TO COME TO THE SHURAS. LT LORENCE WAS ~~GE~~ POPPING SHOTS AT THEM, HOPING THAT THEY WOULD COME. IT DID NOT MAKE SENSE TO ME HOW THAT WOULD EVEN WORK. ALL HE WAS DOING WAS SCARING AND PISSING THE VILLAGERS OFF. THE NEXT DAY, WE DID A BDA ON THE TWO KIA. ON THE RADIO HE TOLD THE TOC THAT WE COULDN'T GET TO THE BODIES DUE TO THE FACT THAT THE VILLAGERS ALREADY TOOK THE BODIES, WHICH WAS A LIE. WE CLEARLY GOT EVIDENCE FROM THE BODIES. HE WOULD ALSO FLIP OUT ON ME BECAUSE I WOULD (b)(6) (b)(7)(C) (b)(3) HE SAID, "YOU NEED TO WORD EVERYTHING EXACTLY HOW I SAY IT, I USED TO WORK IN THE BRIGADE SO I KNOW HOW TO WORD THINGS. THEY WONT ASK QUESTIONS." IT WAS PRETTY MUCH TELLING ME TO LIE ABOUT THINGS SO NO QUESTIONS WERE ASKED.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: Did you write the above narrative?

A: Yes.

Q: Is it in your own words?

A: Yes (b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 4 PAGES

0254-12-CID379-77688

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

DATED 14 Jul 12

CONTINUED

(b)(6) (b)(7)(C) (b)(3)

Q: Did anyone besides LT LORANCE believe the metal base plate was an IED?

A: Not that I know of. He was told it was not an IED but he wouldn't listen.

Q: Why did ANA fire on RPG?

A: LT LORANCE grabbed them and told them to.

Q: Was there a delay in reporting?

A: LT LORANCE TOLD ME NOT TO REPORT THE ANA SHOOTING AN RPG AT THE SUSPECTED

IED (b)(6) (b)(7)(C) (b)(3) CALLED UP ASKING IF EVERYTHING WAS OK. I TOLD

(b)(6) (b)(7)(C) (b)(3)

EVERYTHING WAS FINE, DUE TO LT LORANCE TELLING ME NOT TO CALL IT UP.

TOLD ME I NEED TO CALL THOSE THINGS UP BECAUSE HE WAS WORRIED

THAT WE MAY HAVE GOTTEN HURT. ON THE WAY BACK, LT LORANCE CALLED UP THAT THE ANA MINIMIZED THE IED, NOT STATING THE RPG.

Q: Did LT LORANCE tell you why he didn't want you to call it up?

A: NO

Q: Did LT LORANCE mention anything about motorcycles during the prebrief for the missions on the 1st or 2nd?

A: During both Pre-briefings he mentioned motorcycles were clear to be engaged.

Q: Did he say why?

A: NO

Q: Did you have radio contact with CCA?

A: NO

Q: Are aware of CCA dropping smoke during either mission on the 1st or 2nd?

A: NO

Q: Who had radio communication with CCA on 2 Jul 12?

A: (b)(6) (b)(7)(C) (b)(3)

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

A: NO. /// END OF STATEMENT /// (b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT:

(b)(6) (b)(7)(C) (b)(3)

PAGE 3 OF 4 PAGES

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

STATEMENT OF
STATEMENT (Continued)

TAKEN AT DATED 11/5/12 CONTINUED:

0254-12-CID379-77688

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3), 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) (b)(3)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

10 USC 936

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

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SWORN STATEMENT

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LOCATION (b)(6) (b)(7)(C) (b)(3)	DATE 14 Jul 12	FILE NUMBER (b)(6) (b)(7)(C) (b)(3) 0254-12-C10375-77688
LAST NAME FIRST NAME MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER (b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)		

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE NIGHT OF THE 29TH OF JUNE LT LORANCE HAD A MEETING WITH (b)(6) (b)(7)(C) (b)(3). AT THIS MEETING HE TALKED ABOUT WHAT HE WANTED TO DO WHEN HE WENT INTO SARENZI. HE EXPLAINED THAT HE WANTED TO HAVE ALL OF THE PEOPLE IN THE VILLAGE PULLED OUT OF THEIR HOMES AND LINE THEM UP AGAINST THE WALL HE SAID "NAZI STYLE" AND ASK EVERY PERSON QUESTIONS LIKE WHO ARE THE TALIBAN, WHERE ARE THE TALIBAN AND LET THEM KNOW THAT IF ANYTHING HAPPENED TO ANYONE OF HIS MEN IN THE VILLAGE THAT HE WOULD HOLD THE PEOPLE OF SARENZI RESPONSIBLE. DURING THIS MEETING HE ALSO SAID THAT HIS INTENT WAS TO MAKE THE PEOPLE SCARED TO LET THE TALIBAN COME TO THEIR TOWN. AFTER MOVING DOWN TO SP PANZI ON JUNE 30TH WE STARTED PLANNING FOR THE NEXT DAYS MISSION. LT LORANCE, MYSELF, THE ANA PLATOON SERGEANT, AND AN INTERPRETOR WERE IN THE TOC PLANNING WITH THE MAP. (b)(6) (b)(7)(C) (b)(3) ABOUT WHERE WE WERE GOING, HOW WE WERE GOING TO MOVE, AND ACTIONS ON THE OBJECTIVE. AFTER (b)(6) (b)(7)(C) (b)(3) AND THE INTERPRETOR HAD A BACK AND FORTH CONVERSATION, AFTERWARDS THEY WERE DONE THE INTERPRETOR TOLD LT LORANCE THAT THE ANA WERE TOLD BY THEIR COMMANDER THAT A LOT OF ANA SOLDIERS HAVE BEEN KILLED BY GUYS ON MOTORCYCLES AND THAT THEY WILL SHOOT AT ANY MOTORCYCLES THAT THEY SEE. LT LORANCE RESPONDED WITH "OK, GOOD". ON THE DAY OF (JULY 1ST) LATER THAT DAY (JULY 30TH) A SOLDIER CAME TO ME AND TOLD ME (b)(6) (b)(7)(C) (b)(3)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	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 SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

EN A

(b)(6) (b)(7)(C) (b)(3)

DATED 14 JUL 12 CONTINUED

0254-12-C1D379-77688

(b)(6) (b)(7)(C) (b)(3) LT LORANCE WANTED TO SEE ME AT THE TOC, ABOVE ARRIVAL
TO THE TOC, I HEAR ^(STILL OUTSIDE) LT LORANCE SAY "I'M GOING TO GET
PEOPLE TO COME TO MY SHURA" I THEN ~~HE~~ STEPPED INTO THE TOC
AND SEE LT LORANCE PUTTING HIS BODY ARMOUR ON. I ASKED
WHAT WAS UP. HE SAID GO GET ^{AND TELL HIM TO BRING HIS M14} (b)(6) (b)(7)(C) (b)(3) AND HAVE HIM
MEET ME AT TOWER 2, SO I WENT AND GOT (b)(6) (b)(7)(C) (b)(3) I TOLD

(b)(6) (b)(7)(C) (b)(3) TO MEET LT LORANCE AT TOWER 2 WITH HIS M14. (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) ASKED WHAT FOR. THINKING THAT SINCE THE ANA TOWER

HAD TAKEN/RETURNED FIRE THAT MAYBE THERE WAS A POSSIBLE TARGET

MAYBE HE SHOULD GRAB HIS M14 TOO AND GO WITH (b)(6) (b)(7)(C) (b)(3) I THEN

WENT BACK TO WHAT I WAS DOING. AFTER THEY HAD RETURNED I

ASKED WHAT WENT ON I DEDUCED THAT THE TONE IN WHICH

LT LORANCE SAID "I'M GOING TO GET PEOPLE TO COME TO HIS SHURA"

THAT HE MEANT HE WAS GOING TO HARASS THEM SO THAT THEY

WOULD BE THERE EVEN IF ONLY TO COMPLAIN. I WOULD ALSO LIKE TO

ADD THAT ON THE MORNING OF JULY 1ST I WENT ON A MISSION

TO MULISANGULE WITH LT LORANCE. ON THE MISSION (WHICH WAS

PLANNED AS AN INTERDICTION MISSION OFF OF ROUTE CHILWACK) HE

DECIDED TO PUSH INTO THE TOWN AND CLEAR SOME BUILDINGS.

IN THE PROCESS OF CLEARING WE GET A ^{HIT FOR A} POSSIBLE IED. (b)(6) (b)(7)(C) (b)(3)

THE TEAM OF ANA AND (b)(6) (b)(7)(C) (b)(3) TO CONTINUE WITH CLEARING

WHILE I GOT THE MWD FROM THE SBF POSITION TO CONFIRM

THAT IT WAS AND IED. THE DOG HANMER SAID THAT IT WAS

CLEAR. (b)(6) (b)(7)(C) (b)(3) IT LORANCE TO ASK ABOUT THE PROGRESS AND

HE REPLIED WITH THE ANA HAD FOUND AN IED IN THE DOORWAY

OF A COMPOUND. I SAID THAT I WAS ON MY WAY WITH THE MWD

TO CONFIRM IT. HE SAID NOT TO BECAUSE THE ANA WERE GOING

TO REMOVE IT. WHEN HE GOT BACK TO ME I SAID TOLD HIM

WE HAD THE DOG TO CONFIRM IT AND THE LAST GUIDANCE WE

INITIALS OF PERSON MAKING STATEMENT: (b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGES

(b)(6) (b)(7)(C) (b)(3)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT DATED 1982 12 CONTINUED:

(b)(6) (b)(7)(C) (b)(3) (Continued)

0254-12-CID379-17688

REMOVED FROM FOD WAS TO CALL UP A NINE LINE UXO REPORT
AND ^{BYPASS, MOVE ON AND} ~~THEY WOULD~~ THEY WOULD TAKE CARE OF IT WHEN THEY COULD.
HE REMOVED WITH ANA IS GOING TO SHOOT IT WITH AN RPG.
(b)(6) (b)(7)(C) (b)(3) CAME TO ME AND TOLD ME THAT
IT WASNT AND IED AND THAT THE ANA GOT A STRONG
METEL HIT (WITH THE MINEROUND) ON A BRACKET IN THE GROUND
THAT WAS TO KEEP THE DOOR FROM GOING SWINGING BOTHWAYS.
I TOLD LT LOCATE THIS AND WITH A KNIFE HAND AND ATTITUDE
HE SAID "WERE SHOOTING IT" THEN ANA SHOT IT. HE ASKED
ME WHAT THE TIPICLE SIZE OF AN IED WAS IN THIS AREA
I SAID ABOUT 20-30 POUNDS OF HOME. HE THEN CALLED IT UP TO
CHAMSAW HI AS SUCH. I SAID THAT IT WASNT AND HE IGNORED
ME AND SAID "LET'S GET OUT OF HERE". SO I THEN STARTED
THE PROCESS FOR EXFIL, HE STARTED WALKING AHEAD OF ME
THEN I TOLD HIM HE WAS IN THE WRONG SPOT IN THE FORMATION
AND HE WAS OVERSTEPPING HIS BOUNDS. HE TURNED AROUND TO
GO TO THE HEADQUARTERS ELEMENT OF THE PATROL AND THEN WE
EXFILED. I HAVE NOTHING FURTHER TO ADD TO THIS STATEMENT. (b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) 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)(3)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

Subscribed and sworn to before me, a person authorized by law
to administer this oath, this day of July 2017

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936
(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

0254-12-C1D379-77688

LOCATION (b)(6) (b)(7)(C) (b)(3)	DATE 14 JUL 12	TIME 1948	NUMBER (b)(6) (b)(7)(C) (b)(3)
LAST NAME FIRST NAME MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX (b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)	
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)			

I, (b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

met Lt. Lorance the day before his first mission. Everything about him seemed fine maybe a little eager, but nothing out of the normal for someone who hasn't been "out of the wire" in our area of operations. The night he came down to SP Bayenzai with the rest of the platoon, he seemed fine. He was walking around, mapping out the place to see what kind of living conditions we were in. After that we started talking and planning for the mission for the next day. He stated that he wanted CCA for anything and everything. We went to bed and woke up the next morning around 0400. We started getting for the mission. We started the mission as soon as CCA was checked on. We headed North to clear a village known to be abandoned. As we were climbing through the grapevines he kept wanting an update on what "the birds" were seeing. If there was something or someone that interested him, he would want them to "Recon by fire" to see what the person or persons would do. Anytime he told me to tell them that, I told him it couldn't happen. That the birds wouldn't do it. So he stopped asking and continued mission. We got to the abandoned village and started clearing. We cleared from East to West, we came up on a gate which was made of metal. Our minehound was going off, right in the middle of the gateway. Lt. Lorance started getting all excited, saying it was an IED and that we needed to destroy it. We finally backed up and realized that it was just the piece that the gate hooked into to be held in place. He didn't think so and the ANA wanted

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 5 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 SIDE OF ANOTHER COPY OF THIS FORM.

0254-12-CID379-77688

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

DATED 14 JUL 12

CONTINUED

to shoot an rpg at it. We backed off from the village about 100 meters to the South. The ANA got everything ready and the LT told (b)(6) (b)(7)(C) (b)(3) not to report that the ANA were going to blow it up with an rpg. I told the CCA team what was about to happen, they asked me to let them know 30 seconds out, I wasn't able to because they had shot the rpg by then. After we had shot the rpg, we had started our exfil. When we got back to the SP, we had an AAR over what happened and he seemed to be more concerned about the CCA than anything else. I didn't really talk to him the rest of the day until the planning process started again which was about 2000. I told him that (b)(6) (b)(7)(C) (b)(3) would be going on the next mission. There wasn't planning done with (b)(6) (b)(7)(C) (b)(3). We knew what we needed to do, so we didn't really hear what Lt Lorange was doing. The next morning (b)(6) (b)(7)(C) (b)(3) woken up to the patrol coming back, they all had this sad, disappointed look on their faces. I asked (b)(6) (b)(7)(C) (b)(3) what happened and he told me that the LT had ordered for 2 civilians shot. He then told me that Lt Lorange wanted him to tell CCA to "Recon by Fire" again. (b)(6) (b)(7)(C) (b)(3) did the exact same thing I did on the mission the day before. After that, I really didn't talk to the LT all that much, maybe a "Hey" or "How are you?" throughout the day, but that is it. (b)(6) (b)(7)(C) (b)(3)

THE FOLLOWING QUESTIONS WERE ASKED BY (b)(6) (b)(7)(C) (b)(3) AND I PROVIDED THE ANSWERS:

(b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)

Q: WHAT IS CCA?

A: CCA is close combat aviation, rotary wing assets usually carrying anything like 30mm chaingun, .50 cal Heavy Machine gun, 2.75" Folding Fin Aerial

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 5 PAGES

STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

TAKEN AT (b)(6) (b)(7)(C) (b)(3) DATED 14 Jul 12 CONTINUED

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Rockets, AGM-114 Hellfire Missile.

Q: DO YOU KNOW THE NAME OF THE ABANDONED VILLAGE YOU HELPED CLEAR?

A: I don't know

Q: WHAT TYPE OF PLANNING DID YOU DO FOR THE MISSION?

A: We went over what he, LT Lorange, wanted the CCA teams to do while we were clearing the village and going over our routes to and from the village.

Q: YOU MENTIONED "THE BIRDS", DOES THAT MEAN CCA?

A: Yes, "Birds" is a term that Army personnel use for most kinds of aircraft.

Q: WHAT DOES RECON BY FIRE MEAN?

A: Recon by fire means a person shoots his weapon into an area in which there are people to draw fire or an action which could be deemed suspicious.

Q: HOW MANY TIMES DID LT LORANGE ASK YOU TO ASK CCA FOR RECON BY FIRE?

A: He asked me numerous times. From the time that the CCA team had seen people farming, which was what they had seen at the start of the mission, to recon by fire. It was around five or six times.

Q: HAVE YOU EVER DONE RECON BY FIRE?

A: No, it was something I was understanding as wrong.

Q: IF AN IMPROVISED EXPLOSIVE DEVICE (IED) IS LOCATED, DOES THAT HAVE TO BE REPORTED TO THROUGH THE CHAIN OF COMMAND?

A: According to the Squadron Standard Operation Procedures, it is. We must send up an Unexploded Ordnance 9-Line.

Q: HOW COME LT LORANGE TOLD (b)(6) (b)(7)(C) (b)(3) NOT TO REPORT THE IED?

A: From what I know, it had a lot to do with how long it takes Explosives Ordnance Disposal to get out to our location and conduct a Blow

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 5 PAGES

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

DATED 14 JUL 12 CONTINUED

0254-12-C1D379-77688

in Place.

Q: WHY WAS 1LT LORANCE SO CONCERNED WITH CCA?

A: He talked about CCA a lot of the time I was around. I don't really know why he talked about it.

Q: YOU MENTIONED 1LT LORANCE BECAME EXCITED CAN YOU EXPLAIN WHAT HE DID THAT MADE YOU CONCLUDE HE WAS EXCITED?

A: 1LT LORANCE, as soon as he heard and said that we found an IED, had started moving back and forth fast, talking really fast, and yelling for no apparent reason.

Q: HAVE YOU EVER USED CCA FOR FIRE SUPPORT?

A: No, I have never had a situation in which CCA has engaged a target or targets.

Q: WHAT ARE YOUR ROE FOR DETERMINING A HOSTILE TARGET?

A: The target must be committing a hostile act in which he has weapon, pointing the weapon in friendly's direction or shooting at friendly troops.

Q: DID 1LT LORANCE INFORM YOU ANY OF YOUR ROE'S HAVE CHANGED?

A: Yes, he told us that if we see military age males on a motorcycle, that seem suspicious, we can recon by fire.

Q: DID THAT CHANGE SEEM TO SURPRISE YOU?

A: No, it didn't surprise me too much. We had heard that the ANA had the ROE to shoot motorcycles in our area. It just seemed like we had taken some over their ROE.

Q: DO YOU KNOW IF 1LT LORANCE KNEW THE TWO PEOPLE THAT WERE SHOT WERE CIVILIANS BEFORE HE ORDERED HIS TROOPS TO SHOOT?

A: As far as I know and have been told, he did not know they were civilians.

Q: HOW COME YOU DID NOT GO ON THE PATROL?

A: (b)(6) (b)(7)(C) (b)(3) switch off on missions due to manning issues and force protection on the SP.

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT:

PAGE 4 OF 5 PAGES

(b)(6) (b)(7)(C) (b)(3)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

TAKEN AT DATED 14 JUL 12 CONTINUED:

STATEMENT (Continued)

Q: IS THERE ANYTHING YOU WOULD LIKE TO ADD TO THIS STATEMENT?

A: NO. // END OF STATEMENT //

(b)(6) (b)(7)(C) (b)(3)

0254-12-CID379-77688

Not used

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3), 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) (b)(3)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, on this 14th day of July, 2012.

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

10 USC 936

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

PAGE 5 OF 5 PAGES

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) (b)(3)	DATE 14 July 2012	FILE NUMBER 0254-12-GPO 379-77688
LAST NAME FIRST NAME MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX XX	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS		

(b)(6) (b)(7)(C) (b)(3)

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)

Q: Did LT LORANCE elaborate on Nazi Style?

A: He was animated with hand gestures and appeared very excited. After the AUSA were to remove the individuals from there (b)(6) (b)(7)(C) (b)(3) LT LORANCE, (b)(6) (b)(7)(C) (b)(3) and an Interpreter would go down the line and demand they tell him where the Taliban are. He then said something to the effect of it would be revenge/retribution for (b)(6) (b)(7)(C) (b)(3)

Q: What was LT LORANCE'S demeanor when he arrived on SP Payenzai?

A: He was relaxed and took all the lower enlisted off by himself and asked questions to get to know them.

Q: How did his ~~asana~~ demeanor change while at SP Payenzai.

A: He seemed to never sleep and was always active. He began to have mood swings and would get angry very quickly. He threatened (b)(6) (b)(7)(C) (b)(3) with rank because he didn't get a Puma in the air.

Q: Who was the interpreter who interpreted the AUSA's comment that the AUSA could engage motorcycles?

A: (b)(6) (b)(7)(C) (b)(3)

Q: Who with AUSA said motorcycles were authorized to be engaged?

A: I don't know his name, but it was the PLT SGT.

Q: Did LT LORANCE ask for clarification from the AUSA?

A: No

Q: What comments did you hear LT LORANCE say reference motorcycles?

A: He said Everybody in the AO on a motorcycle is Taliban. He never told

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	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 SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

DATED 14 JUL 12 CONTINUED

0254-12-CID379-77688

(b)(6) (b)(7)(C) (b)(3) me that we were authorized to engage motorcycles. I never heard him tell anyone else either.

Q: Do you follow the same ROE as ANA?

A: NO

Q: Did LT LORANCE tell you why he wanted (b)(6) (b)(7)(C) (b)(3) at tower 2?

A: NO.

Q: Why did you believe LT LORANCE wanted (b)(6) (b)(7)(C) (b)(3) at tower 2?

A: I believed there was a threat against the Strong Point.

Q: How often did you have meetings?

A: Randomly throughout the day about mission assets. Other than the first meeting he did not mention violence against anyone. He always asked for stuff outside his lane with unrealistic timelines. When the Special Leaders 3 PERSGT told him we had it he would blow us off.

Q: Did LT LORANCE make any comments about violence towards the locals?

A: After building the tent he was excited and said he wanted to go and get on mission and kill talibans. He had an overall lack of concern about the local populace.

Q: Were you present during any engagements at the GCP with locals?

A: NO

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

A: NO//END OF STATEMENT// (b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT:

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGES

(b)(6) (b)(7)(C) (b)(3)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3)
STATEMENT (Continued)

TAKEN AT _____ DATED 4/30/12 CONTINUED:

0254-12-CID379-77688

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) 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 (b)(6) (b)(7)(C) (b)(3) PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936
(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

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) (b)(3)	DATE 14 Jul 2012	TIME 222719JUL12	FILE NUMBER 0254-12-CID379-77688
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX-(b)(6) (b)(7)(C) (b)(3)		GRADE/ST (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)			

(b)(6) (b)(7)(C) (b)(3)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 29 June 2012 1st PLT C TRP was at SP Gariban for a 48 hour furlough of sorts due to combat stress from taking a fourth casualty in as many weeks and to allow the soldiers to speak with the Chaplain and Combat Stress Team. We were also receiving our new Platoon Leader, 1LT Lorrance, allowing the platoon to get to know the LT and allow us senior leaders to sync with the LT's intent. 1LT Lorrance met with most of the soldiers in 1st PLT, but spent most of his time with the NCOs, myself included, to get our assessment of the platoon and the men as well as ensure us that if he over stepped his lane to let him know that he was getting into our business. That night around 2330 (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) sat down with the LT to go over the next 72 hours and what he expected of us. He briefed that the following day, 30 June, we would be going back to Panzai to resume operations by setting up the Cerebus camera system as well as a new tent which we would make into our new platoon command post and conduct a route recon patrol possibly. The day following that, 01 July, one of our squads would set up a TCP in vicinity of Mullah Shin Guhl near the crossroads of New Chillywack to interdict motorcycles coming into the area and tactically question whoever came by. He then briefed that on 02 July we would go into Sarenzai, where (b)(6) (b)(7)(C) (b)(3) and pull everyone out of their homes while clearing every building, which we had never done before, to make sure that no one in the village had any involvement with (b)(6) (b)(7)(C) (b)(3). The morning of 30 June we moved back to Panzai and did what he had planned however we did not conduct the patrol on foot, instead they did an aerial recon with (b)(6) (b)(7)(C) (b)(3) so HQ could conduct administrative tasks there. When we returned to Panzai around 1700 my squad set up the Cerebus camera and ensured it worked for the next day's patrol. That night (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) could rest for the next day's patrol and I would wake up (b)(6) (b)(7)(C) (b)(3) and 1LT Lorrance had a planning session with the ANA PSG and the LT told me to ensure (b)(6) (b)(7)(C) (b)(3) was up and prepping the Puma in the morning and that it was critical we get the IR ISR imagery before the mission. After that (b)(6) (b)(7)(C) (b)(3) to check on the towers and have a smoke missing the rest of their meeting. The morning of 01 July I did as instructed and woke up (b)(6) (b)(7)(C) (b)(3) to prep the Puma and woke up the LT as well as (b)(6) (b)(7)(C) (b)(3) around 0400. (b)(6) (b)(7)(C) (b)(3) was supposed to have the Puma up and operational by 0430, but missed his hard time and at 0445 1LT Lorrance began getting frustrated because the sun was coming up and (b)(6) (b)(7)(C) (b)(3) was late. We tried to launch the Puma around 0500, but failed to do so because of a known battery error the system has causing damage to the Puma fuselage requiring us to switch it out. I spent the next hour helping (b)(6) (b)(7)(C) (b)(3) put a new Puma together while 1LT Lorrance continued to verbally berate (b)(6) (b)(7)(C) (b)(3) and threaten to take his rank. He also berated the NCOs telling us we should be yelling at (b)(6) (b)(7)(C) (b)(3) for not hurrying. Around 0700 1LT Lorrance decided to go without the ISR coverage and (b)(6) (b)(7)(C) (b)(3) told me to get some sleep while he helped (b)(6) (b)(7)(C) (b)(3). Around noon I was awoken by gun fire coming from the north and the launching of an 84mm round from our Gustav towards that direction. I found out later the patrol was engaged while entering the ECP of the SP. At this point I took over as SOG again allowing (b)(6) (b)(7)(C) (b)(3) to rest. Around 1430 (b)(6) (b)(7)(C) (b)(3) 1LT Lorrance, and (b)(6) (b)(7)(C) (b)(3) sat down to hash out the next day's patrol. We decided that I would be the NCOIC of the Puma and I would control the route truck and (b)(6) (b)(7)(C) (b)(3) would control the ECP truck which would be pushed out onto Route Cornerbrook as mounted over watch and (b)(6) (b)(7)(C) (b)(3) and his gun team would be in a support by fire position on the western side of Sarenzai on an abandoned compound's roof giving him view to the north. Once that was hashed out 1LT

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 6 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 SIDE OF ANOTHER COPY OF THIS FORM.

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STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT (b)(6) (b)(7)(C) (b)(3) DATED 14 July 2012 CONTINUED

Lorrance said he went over the plan with the (b)(6) (b)(7)(C) (b)(3) and said he was fine with it and he would go over the details with (b)(6) (b)(7)(C) (b)(3) later when he was off guard. Around 1715 1LT Lorrance asked me if you could see Panzai well enough from Tower 2 and how much room there was for multiple people, I told him yes and there was probably enough room for 2 or 3 guys along the Hesco next to the tower. He said he wanted to go up there with our Designated Marksman and observe Panzai to establish Patterns of Life in the village. So I went and told (b)(6) (b)(7)(C) (b)(3) the LT wanted Rush at Tower 2 with him. (b)(6) (b)(7)(C) (b)(3) asked if he could go as well, and not thinking anything of it I said sure. I went back in the CP to play around with the Cerebus camera some more and listen to the radio. Around 1730 I began hearing gun fire coming from Tower 2 and then from Tower 1, the ANA Tower, at which point I went outside and asked what they were shooting at and it was reported that the ANA saw Taliban on the NE side of Panzai. I panned the Cerebus over looking for what they were engaging and I saw bullets begin striking around unarmed locals, including children, with most of the fire focusing on a motorcycle in Panzai. At that point Chainsaw 71 (HQ) called on the radio and told me to relay to the LT and (b)(6) (b)(7)(C) (b)(3) that they had to be at Gariban that night for a meeting. So I woke up (b)(6) (b)(7)(C) (b)(3) and told him he had to go up to Gariban for a meeting with the LT and that I thought LT was having the SDMs shoot at civilians from tower 2. We rushed outside and told the LT to come down, I informed him he had a meeting and (b)(6) (b)(7)(C) (b)(3) proceeded to get angry and tell the LT he "can't be doing that shit, sir" referring to the SDM fire. I walked back in the CP and both the LT and (b)(6) (b)(7)(C) (b)(3) walked in a few minutes later when 1LT Lorrance said "Man that was funny to make them dance" and told me to report to HQ that they received pot shots while on the roof and I told him I won't report that and if he wanted to that was on him, which he never did while at Panzai. (b)(6) (b)(7)(C) (b)(3) then reiterated that he couldn't be doing things like that and 1LT Lorrance said "I'm making sure they're coming to my Shura on Friday." (b)(6) (b)(7)(C) (b)(3) said something to the effect of "not like that" and the LT responded "If I don't have the support of my NCOs I'll just fucking do it myself." The LT then stormed off to the back of the tent to his cot and I told the lower enlisted to get out of the tent. I proceeded to counsel the LT that he's overstepping his lane and that he needs to back off a bit. I explained to him that he's coming in and changing the entire way we do things and telling us what we need before he's even gotten to know us as a platoon. He proceeded to tell me that he loved the platoon, that he has always loved the platoon before even coming to us, and that our platoon will not take another casualty and that he knows how to do it. He said it starts with getting people to come to his Shura on Friday by any means necessary so we can wave money in front of them and tell them we will pay them for every IED they bring to us. I told him that's fine, but we can't be shooting at civilians like that to do it, because not only does he piss off the locals he also pisses off the NCOs who don't do things like that and would never ask their guys to either. He said I was right and thanked me and left with (b)(6) (b)(7)(C) (b)(3) for his meeting around 1800. Around 2100 I asked (b)(6) (b)(7)(C) (b)(3) so I could get some rest before the ISR mission. At 0400 I was woken up by (b)(6) (b)(7)(C) (b)(3) and proceeded to wake up (b)(6) (b)(7)(C) (b)(3) who told me they never got new batteries for the Puma the night prior so he couldn't fly. I told him to go back to sleep then and relieved (b)(6) (b)(7)(C) (b)(3) from SOG. I woke up (b)(6) (b)(7)(C) (b)(3) 1LT Lorrance (b)(6) (b)(7)(C) (b)(3) and the rest of the patrol at 0500 to prep for the mission. At 0545 I woke up the next guard shift and asked (b)(6) (b)(7)(C) (b)(3) if he was briefed the night prior on what he and (b)(6) (b)(7)(C) (b)(3) would be doing in the ECP truck. He said he had so I told him to go ahead and push out onto the route. While doing that, 1LT Lorrance had gotten the patrol together and gave the patrol briefing. He informed the patrol that he received intel from (b)(6) (b)(7)(C) (b)(3) while at brigade that all motorcycles in this area were considered hostile and that our ROE was like the ANAs and we were to engage all two wheeled motorcycles and interdict three wheeled motorcycles with considerations for children. That sounded a little odd as prior to that our guidance was to interdict all motor traffic on the roads and question the individuals, but not unbelievable as I had been told weeks before that once ANA took over their ROE was a lot different and their company commander told them to engage all motorcycles. I went back to the CP and began scanning the area's historic engagement points for any movement. Around 0625 the patrol began moving to the ECP where they were met by four locals from Panzai. 1LT Lorrance called up on the radio and told me they were locals from Panzai and that they were pissed about the night prior and that if they returned tell them "To get the fuck out of here and come back 0900 on Friday." About ten minutes after the patrol SPed two of the locals returned and I told the ANA to tell them to come back Friday, I never personally interacted with them. I began scanning with the cerebus again and saw three MAMs, one that looked like the village elder of Sarenzai, on the back of a motorcycle which had come from Mullah Shin Ghul and was on Old Chilliwack stopped right at the turn before Sarenzai. It was obvious they were pointing at our formation, and before I could radio anything

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STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT (b)(6) (b)(7)(C) (b)(3) DATED 14 July 2012 CONTINUED

I began seeing bullets strike the wall behind them and heard the report of an M4 followed by the M240B from the ECP truck and saw the youngest male drop with the two older males attempting to help him and then the eldest falling to the ground with the third running into the village. I never saw any weapons or radio equipment at that point. During that time I had heard (b)(6) (b)(7)(C) (b)(3) say "Roger" over the net, but could not hear 1LT Lorrance, I had apparently lost comms with him. I then heard (b)(6) (b)(7)(C) (b)(3) the platoon RTO report to HQ that they had engaged three enemies and had two enemy KIAs. I asked (b)(6) (b)(7)(C) (b)(3) who told him to engage and he said 1LT Lorrance did, and I asked if he had comms with the patrol as I couldn't reach any of the leadership. He said he could and he became my relay to the patrol. The patrol continued and I attempted to keep eyes on them as best as possible. (b)(6) (b)(7)(C) (b)(3) was the only member of the patrol I still had comms with intermittently on our Troop net. About 30 minutes after the engagement I saw (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) searching the bodies of the two MAMs and continued my scan. About ten minutes after that I had found (b)(6) (b)(7)(C) (b)(3) firing position on the roof and saw them shooting to the North. I called (b)(6) (b)(7)(C) (b)(3) and asked what they were firing at and (b)(6) (b)(7)(C) (b)(3) informed me he did not know because he had lost comms with (b)(6) (b)(7)(C) (b)(3) element. Soon after (b)(6) (b)(7)(C) (b)(3) called up a second engagement with three EKIAs and I heard HQ order to conduct a BDA on both engagements' enemies if possible. (b)(6) (b)(7)(C) (b)(3) reported that the patrol was unable to conduct a BDA, which I found interesting considering I watched (b)(6) (b)(7)(C) (b)(3) search the bodies on Chilliwack. Around this time (b)(6) (b)(7)(C) (b)(3) in the Route Truck informed me he had a massing of ten to twenty people 100M north of his location, with one individual on a motorcycle. At this point I started catching intermittent comms from 1LT Lorrance who told (b)(6) (b)(7)(C) (b)(3) to engage the motorcycle. (b)(6) (b)(7)(C) (b)(3) said it was moving towards his location and that there were women and children around so he would interdict it instead. 1LT Lorrance responded back with "Fine, whatever, just hold onto him." About two hours into the patrol they began exfil back to SP Panzai, once they reached Route Cornerbrook 1LT Lorrance had the ECP truck drive down and pick him up to take him to the route truck's location. The patrol RTBed and the ECP truck returned with a motorcycle, the detainee, and 1LT Lorrance. (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) were the first two into the CP and (b)(6) (b)(7)(C) (b)(3) looking completely distraught told me "We just killed two innocent civilians. I think I'm going to be sick." (b)(6) (b)(7)(C) (b)(3) said "This is bullshit, and we can't be doing this shit." Then (b)(6) (b)(7)(C) (b)(3) entered the CP and said "What did 1LT Lorrance report over the radio about BDA?" I told him that they were unable to conduct it and he proceeded to pull out a baggy with both of the individuals' effects and said "Then how did I get that." 1LT Lorrance then threw open the door and said "Woah that was awesome!" Seeing that we weren't amused his demeanor changed and he sat down at the CP desk and said "OK, give it to me. You guys are pissed. Cmon give it to me, what's wrong." (b)(6) (b)(7)(C) (b)(3) said "Sir, this wasn't right, we can't be doing this shit." (b)(6) (b)(7)(C) (b)(3) and I agreed and he said "You're right, next time we'll stick to our ROE and only interdict motorcycles." Someone said "What do you mean our ROE?" and 1LT Lorrance continued that it's fine and he knows how to report it so no one gets in trouble. I told him no and that it's not right and he responded "Please, people get shot off motorcycles and bodies disappear all the time across the brigade, no one cares, it will be fine." He then walked out to deal with the detainees. (b)(6) (b)(7)(C) (b)(3) said he felt sick and went to lay down while I got the next guard shift. (b)(6) (b)(7)(C) (b)(3) then approached me and asked what he should do since he has to go debrief with the CO and Coist team at Gariban. I told him to tell the truth and make sure (b)(6) (b)(7)(C) (b)(3) knows so he can brief the CO. 1LT Lorrance then walked up and told me he needed a team to take him and (b)(6) (b)(7)(C) (b)(3) up to Gariban with the detainees and (b)(6) (b)(7)(C) (b)(3) had to go for some reason I can't remember. I spun some guys up and told (b)(6) (b)(7)(C) (b)(3) to tell (b)(6) (b)(7)(C) (b)(3) to pull (b)(6) (b)(7)(C) (b)(3) or (b)(6) (b)(7)(C) (b)(3) to the side when he gets to Gariban and tell them what happened, because we knew 1LT Lorrance was going to lie. They soon left for Gariban after that, and as the night went on the entire platoon was pulled out of Panzai.

(b)(6) (b)(7)(C) (b)(3) The following questions were asked by (b)(6) (b)(7)(C) (b)(3) and I provided the answers:

Q. Did you type the above narrative?

A. Yes.

Q. What are the PSG and SL?

A. The Platoon Sergeant and Squad Leader.

Q. What is the Cerebus camera and who operates it?

A. It is both a day and night infrared camera and allows for a 360 degree view. The Sergeant of the Guard

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

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STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

DATED 14 July 2012 CONTINUED

(SOG) operates it.

Q. Where you specifically looking for motorcycles?

A. Yes, (b)(6) (b)(7)(C) (b)(3) mission was to interdict all traffic.

Q. Who ordered that mission?

A. (b)(6) (b)(7)(C) (b)(3) It was an older mission that my squad was originally supposed to conduct but due to the furlough it was pushed back.

Q. You mentioned that 1LT LORANCE wanted to take everyone out of their homes and question them. What were going to question them about?

A. He told us his intent was to question them about (b)(6) (b)(7)(C) (b)(3) and how the Taliban was operating out village without their consent.

Q. Did anyone get pulled out of their homes?

A. I don't know. I never saw it on the camera. I saw a mass of people underneath a tree but I do not know if they were pulled out of their homes.

Q. What is the Puma?

A. It is a troop level asset. It is a surveillance drone capable of being launched in the air by an individual.

Q. Does it record video?

A. It can but we were never able to get it to work.

Q. Do you know who the Afghan National Army PSG was?

A. I know who he is but I do not know his name. We call him the Platoon Sergeant.

Q. When the firing was conducted from the roof, who stated the ANA saw the Taliban?

A. I do not know. I yelled out asking what the ANA were firing at and someone said they spotted the Taliban.

Q. Do you know if the American Soldiers were firing as well?

A. Yes.

Q. Who started to fire first?

A. We did.

Q. Did you inform (b)(6) (b)(7)(C) (b)(3) that members of the platoon were firing into the village?

A. Yes, when I woke him up.

Q. What did he do when you told him?

A. He went outside and confronted 1LT LORANCE.

Q. Do you know what he told 1LT LORANCE?

A. I only heard that he could not be doing that and I walked off.

Q. Why did 1LT LORANCE tell you to report that they were taking pot shots?

A. To give justification for shooting.

Q. Is it common to shoot into a village without provocation?

A. No.

Q. Why did 1LT LORANCE say he loved the platoon even though he had only been with your platoon for a couple of days?

A. He explained it to me that as a Liaison Officer he followed my platoon and we have a reputation for getting the mission done and killing a lot of people.

Q. How many people have you killed?

A. Official enemy killed in action (KIA) was around fifty.

Q. Did that impress 1LT LORANCE?

A. I don't know. I don't know if he knew the numbers.

Q. Is that common for a platoon to have so many KIA's?

A. For the area that we are in, yes.

Q. Who is (b)(6) (b)(7)(C) (b)(3)

A. (b)(6) (b)(7)(C) (b)(3)

Q. Did anyone validate the information or accept the intelligence from 1LT LORANCE?

A. He had said the night prior that (b)(6) (b)(7)(C) (b)(3) agreed to the operation and that was to engage all motorcycles and since he said (b)(6) (b)(7)(C) (b)(3) said it we assumed it was validated.

Q. What was the consideration for the children?

A. We were not to engage motorcycles with children riding on them.

Q. What is SPed?

(b)(6) (b)(7)(C) (b)(3)

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EXHIBIT 15

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) DATED 14 July 2012 CONTINUED

A. Starting point.
Q. What is a MAM?
A. Military age male.
Q. Did you hear 1LT LORANCE tell the troops to engage the motorcycle?
A. Negative. I was informed later over the radio by (b)(6) (b)(7)(C) (b)(3)
Q. Do you know why 1LT LORANCE said "Fine, whatever, just hold onto him?"
A. He sounded like he was upset that they did not engage.
Q. Do you mean kill him?
A. Yes.
Q. What did 1LT LORANCE mean when he said that it's fine and he knows how to report it so no one gets in trouble?
A. I assume that it is because he knew he killed innocent civilians.
Q. What is a COIST team?
A. Company Intelligence Support Team.
Q. Did 1LT LORANCE show any signs of remorse after the engagement?
A. Negative, in fact he told us he did not give a fuck about these people and that he hated them.
Q. Do you know why he hated them?
A. I don't know.
Q. Did he know (b)(6) (b)(7)(C) (b)(3)
A. No.
Q. Do you think he was attempting to get revenge for (b)(6) (b)(7)(C) (b)(3) shooting?
A. I had a conversation the night prior and it sounded like he was trying to get revenge for all the wounded Soldiers in the platoon.
Q. Did he make any mention to how he would take his revenge?
A. He made it sound like he was more interested in making sure no one else was wounded. His intent for going to Sarenzai Village was to intimidate them.
Q. Was he getting adequate sleep?
A. Not at all. He was getting about two hours a night.
Q. How was his behavior?
A. Sporadic, hyper and uncontrolled.
Q. Was he taking any medication?
A. I don't know.
Q. Have you met 1LT LORANCE before he came to your platoon?
A. Yes, I met him a month prior to his arrival to the platoon.
Q. Did he act differently then?
A. Yes, he seemed much more level headed and a lot less hyper.
Q. Why do you think he was acting differently when he came to your platoon?
A. I have seen people before act similarly due to fear.
Q. Do you think he was afraid?
A. Yes.
Q. When the males were engaged were they on or off of the motorcycle?
A. They were off.
Q. Can you explain again how the male were shot?
A. There were three male on a motorcycle that drove up to the curve in the road and stopped. They all got off the motorcycle and pointed at our formation and were talking amongst one another. That is when I heard the firing.
Q. You stated that when the Soldiers were shooting on the roof, what did make them dance mean?
A. What 1LT LORANCE was doing was having the Squad Designated Marksman fire behind and in front of civilians making them move in different directions in order to scare them.
Q. Do you know how many shots were fired?
A. I don't know.
Q. Do you think the villagers were coming to the SP to complain about Soldiers shooting into the village?
A. Yes, 1LT LORANCE said they were there bitching about them firing into the village on the night prior.

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

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STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT (b)(6) (b)(7)(C) (b)(3) DATED 14 July 2012 CONTINUED:
STATEMENT (Continued)

Q. Is there anything else you would like to add to this statement?

A. No.///End of Statement (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3), 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) (b)(3)

Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of July, 2012, at (b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

10 USC § 936

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

PAGE 6 OF 6 PAGES

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) (b)(3)	DATE 16 JUL 2012	FILE NUMBER 0254-12-CID379-77688
LAST NAME FIRST NAME MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX-	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The first day 1LT Lorange arrived to SP Ghariban to take over as 1/C/4-73's platoon leader, I noticed he (b)(6) (b)(7)(C) (b)(3) was extremely excited and eager to get into his role. Nothing about this seemed unusual. He submitted CONDOs to me in order to receive rotary-wing aircraft coverage for his missions which I later submitted. His first mission went smoothly for the portion I was present and receiving his reporting for. He reported taking small arms fire (SAF) after returning to SP Payenz'i which ended shortly after with no BDA. That night we had a leaders meeting at SP Ghariban with all leaders, including 1LT Lorange present. At this meeting he reported he had been in contact several times that morning which was not reported to me or anyone in the TOC, although he claimed he had reported it. The next day (b)(6) (b)(7)(C) (b)(3) he had also made an angry complaint that morning about his CCA (helicopters) being taken from him due to a Troops in Contact (TIC) situation in another unit, a common occurrence. I disregarded his behavior and chalked it up to him being inexperienced, although his behavior was strange. The next day I came into the TOC shortly before 0800L. (b)(6) (b)(7)(C) (b)(3) reported to me that 1st Platoon had a SAF engagement, although it was unclear what the engagement criteria was. I was informed negative BDA was assessed from the first engagement. As I was receiving the TOC handover, Chainsaw/CR was reporting the details on

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 5 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 SIDE OF ANOTHER COPY OF THIS FORM.

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STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

DATED 16 JUL 12 CONTINUED

a second SAF engagement. With this one it was reported that two enemy killed in action (EKIA) were assessed, and no on-site BDA could be done due to the bodies being taken away before they got there. Shortly after, they reported taking a detainee with superficial SAF wounds that they conducted first aid on. They x-sprayed him, and got a light hit, which 1LT Lorange said "indicated he had been carrying a weapon." This is untrue and not what the x-spray detects. Before he began to head back to ^{SP} Payenzi I double checked to make sure I had the facts straight about the engagement, and had him make sure he had 2x EKIA and 1 detainee. Aggravated, he got on the net and said "let me be clear, we have killed 2 enemy." (b)(6) (b)(7)(C) (b)(3) was present in the TOC and took the hand mic, replying, "Let me be clear, we are trying to ensure accurate reporting, so answer the questions." 1LT Lorange confirmed 2x EKIA and 1x detainee. After returning to ^{SP} Payenzi, however, he reported to me that his total roll-up was 4x EKIA and 2x detainees. He explained to me over the net that he had engaged 2 insurgents conducting visual observation on him and gotten a detainee when he tried to do BDA on the engagement. He then later engaged 2 insurgents using ICOM radios in conjunction with hostile wolfhound traffic being received at Ghariban in vicinity of the engagement. This is where he had gotten the 2nd detainee with superficial wounds. He claimed he was unable to get BDA on any of the four EKIA as LNs had come and taken the bodies before he could get to them. Once I understood and logged everything, I took a nap at 1100L and by 1400L when I awoke, the investigation was already underway for false reporting at the Troop level. (b)(6) (b)(7)(C) (b)(3)

THE FOLLOWING QUESTIONS WERE ASKED BY (b)(6) (b)(7)(C) (b)(3) AND I PROVIDED THE ANSWERS:

INITIALS OF PERSON MAKING STATEMENT: (b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 5 PAGES

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Law Enforcement SensitiveEXHIBIT 76
000276

0254-12-CID379-77688

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

DATED 16 JUL 12 CONTINUED

(b)(6) (b)(7)(C) (b)(3)

Q: WAS THE REPORTING FROM 1LT LORANCE THE WORST REPORTING YOU HAVE HEARD?

A: Yes, without a doubt this reporting was terrible. I had to ask several questions to get the facts straight, which is uncharacteristic of 1st Platoon prior to 1LT Lorraine taking command.

Q: DOES YOUR RULES OF ENGAGEMENT PERMIT YOU TO SHOOT MOTORCYCLES ON SITE WITHOUT POSITIVE IDENTIFICATION?

A: No

Q: IF YOUR ROE WERE CHANGED, HOW WOULD IT BE DISEMINATED?

A: A policy letter or slideshow would be released to the Troop Commander and 1st Sergeant, which would then be briefed as a whole or through subordinate leaders to everyone in the Troop.

Q: IF A SUSPECTED IMPROVISED EXPLOSIVE DEVICE (IED) WAS LOCATED WHAT ARE THE REPORTING PROCEDURES?

A: The ground force commander is required to report the location and estimated composition of said IED and myself or other TOC personnel report the 10-line UXO report to squadron.

Q: IS IT REQUIRED TO CONDUCT BDA?

A: Yes. While ground BDA is always encouraged, there are certain circumstances that prevent it from happening, in which at that point BDA from aircraft is conducted.

Q: DO YOU KNOW IF 1LT LORANCE HAD TIME TO CONDUCT BDA ON THE CIVILIAN CASUALTIES?

A: He reported that he had attempted to conduct ground BDA on both engagements but was unable as all four bodies were recovered by local nationals before he could get there.

Q: WHEN YOU DOUBLE CHECKED THE FACTS OVER THE RADIO WITH 1LT LORANCE, WHAT WAS HIS DEMEANOR LIKE?

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT:

PAGE 3 OF 5 PAGES

0254-12-CID379-77688

STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

DATED 16 JUL 12 CONTINUED

A: He was aggressive and aggravated, as if he was offended that I was questioning him.

Q: WHEN HE PROVIDED THE ROLL-UP, WHAT WAS HIS DEMANDOR LIKE?

A: He was much more calm and collected.

Q: DID YOU HAVE AN OPPORTUNITY TO SPEND ANY DOWNTIME WITH ILTORANCE?

A: Yes, but very briefly. I met him once at Fort Bragg and he seemed normal enough. After seeing him here, he seemed excited but also a bit awkward and argumentative about things that he didn't know or understand yet.

Q: WAS THE SECOND ENGAGEMENT REPORTED WHEN IT OCCURRED OR WHEN THE PATROL RETURNED?

A: I received the details about the ^{2nd} engagement after they had taken place.

Q: DO YOU KNOW IF THERE HAD BEEN ANY QUESTIONABLE ENGAGEMENTS OR ANY TREATING CIVILIANS ROUGHLY?

A: No, nothing to my knowledge.

Q: DOES THE TOC RECEIVE THE WOLF HOUND TRAFFIC?

A: Yes, it is relayed through JChan to the TOC and sent via FM to troops on the ground.

Q: IS THERE ANYTHING YOU WISH TO ADD TO YOUR STATEMENT?

A: NO. /// END OF STATEMENT /// (b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

PAGE 4 OF 5 PAGES

(b)(6) (b)(7)(C) (b)(3)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT DATED 10/10/12 CONTINUED:
STATEMENT (Continued)

0254-12-CID379-77688

PAGE NOT

USED

AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3), 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) (b)(3)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

10 USC 936
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

PAGE 5 OF 5 PAGES

SWORN STATEMENT

0254-12-CD377-77688

NAME:
SSN:
Unit:

(b)(6) (b)(7)(C) (b)(3)

Date: 16 Jul 12 (b)(6) (b)(7)(C) (b)(3)

Time: 1325 (b)(6) (b)(7)(C) (b)(3)

Status: (b)(6) (b)(7)(C) (b)(3)

Location: (b)(6) (b)(7)(C) (b)(3)

I (b)(6) (b)(7)(C) (b)(3) went to make the following statement under oath:

(b)(6) (b)(7)(C) (b)(3) July 2nd, (b)(6) (b)(7)(C) (b)(3)

Mission that SP at 0700 led by 1LT Lorange. CCA checked on station whenever we had just finished engaging the Motorcycle that was headed west into the village. I notified 1LT Lorange CCA checked on. As soon as I told him, he yelled up to me (b)(6) (b)(7)(C) (b)(3) "I want that guy dead by CCA, Time Now!" (He was referring to the one individual that had fled the scene, running North-west). I told CCA "There is one individual running North-west that we need you to find and engage." A few ^{minutes} ~~months~~ later, CCA reported a spotting of 7-8 packs 700m NW of our position. 1LT Lorange told me "Have the CCA shoot something in the area of those people to see what they'll do." I told CCA just that, and they said they couldn't. I acknowledged and just had them drop smoke on their position. The CCA informed me of the packs turning around and then heading west. 1LT Lorange had me order CCA to "chase them down and harass them with flares and smoke so we can cannalyse them to our position." He had me tell the CCA a few minutes later "we want them to come to our position so we can B.I.P. the motorcycles and detain the individuals. The remainder of the time we had CCA we used them to do an Area Recon before they checked off station.

Q (b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)
Q: Did you write the above narrative?

A: Yes.

Q: Is it in your own words?

A: Yes.

Q: What does CCA stand for?

(b)(6) (b)(7)(C) (b)(3)

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(b)(6) (b)(7)(C) (b)(3)

EXHIBIT 77

000280

Page 1 of 2

16 JUL 12

A: Close Combat Aviation

Q: During your time with 1LT LORANCE, what comments did you hear him make about shooting people?

A: He made a side comment in Gherben about how he hated all Afghans. During the pre-brief on 2 JUL 12 he said we were authorized to engage all motorcycles because he had intel that only Taliban rode two wheeled motorcycles.

Q: Did he say where he obtained that intel?

A: NO.

Q: What was 1LT LORANCE's demeanor when he told you he wanted CCA to engage the individual who ran from the motorcycle?

A: He was yelling at me and seemed angry. He really did not want that guy to get away.

Q: How many missions have you done as the FO?

A: 50 plus.

Q: Was 1LT LORANCE's requests normal?

A: NO. I have never heard of asking CCA to engage an unarmed individual fleeing a scene. I have also never heard of requesting CCA shoot at individuals to see how they would react.

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

A: NO. I HAVE NO STATEMENTS TO ADD. (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) have read or had read to me this statement which begins on Page 1 and ends on Page 2. I fully understand the entire contents of this statement. This statement is true. I have initialed all corrections and 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.

Sworn to me this 16th day of July, 2012 at (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Signature of Person making the statement

(b)(6) (b)(7)(C) (b)(3), (b)(7)(E)

Signature of Person Administering Oath

(b)(6) (b)(7)(C) (b)(3)

10 USC 95126

Authority to administer Oath

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) (b)(3)	DATE 16 July 12	TIME 14:53	FILE NUMBER 0254-12-CID374-77688
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX(b)(6) (b)(7)(C) (b)(3)		GRADE/STATUS

(b)(6) (b)(7)(C) (b)(3)

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While conducting duties as (b)(6) (b)(7)(C) (b)(3) was informed by Chainsaw 16R that the patrol in Sareraai had engaged 3-4 personell conducting VISOPS on the patrol and estimated at least 1x EKIA. At that point, I had logged the event in the TOC daily log, informed Squadron and the informed (b)(6) (b)(7)(C) (b)(3) of the events. (b)(6) (b)(7)(C) (b)(3) then said, "Make sure that they do BDA on the engagement." I then went and informed Chainsaw 16R that they needed to conduct BDA, and recieved the reply of "Roger". Later that morning (b)(6) (b)(7)(C) (b)(3) came in to recieve the change of duty brief, at which time we recieved Wolfhound Traffic stating that the enemy could see the Americans on the roof and that they wanted to do something to them. At that time, I passed the information to the patrol. Moments later, Chainsaw 16R called up that the Support By Fire had engaged 2 individuals with Icoms. At that point Squadron was informed, and had asked if there was corresponding LVTI traffic in which there was. At that point, I briefed 1LT Comer on the events of the morning, and then left the TOC, because my shift was over. Any events that took place after I left for the day, I have no knowledge of. (b)(6) (b)(7)(C) (b)(3)

THE FOLLOWING QUESTIONS WERE ASKED BY SA CLIFTON AND I PROVIDED THE ANSWERS:

(b)(6) (b)(7)(C) (b)(3)

Q: WHAT IS VISOPS?

A: Visual Operations

Q: WHO IS CHAINSAW 16?

A: 1LT Laurence

Q: WAS BDA CONDUCTED ON EITHER ENGAGEMENT?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	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 SIDE OF ANOTHER COPY OF THIS FORM.

0254-12-CID379-77688

STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

DATED 16 JUL 12 CONTINUED

A: To the best of my knowledge, BAA was conducted on the first engagement. I am not able to confirm nor deny that BAA was conducted on the second engagement.

Q: DOES YOUR RULES OF ENGAGEMENT (ROE) PERMIT YOU TO SHOOT AT MOTOR-CYCLES ON SITE?

A: Not unless the individual is carrying a weapon.

Q: DO YOU KNOW IF ANY INDIVIDUALS WERE CARRYING A WEAPON ON THE FIRST ENGAGEMENT?

A: I did not receive any information that led me to believe that there were individuals with weapons.

Q: DID ILT LORANCE PROVIDE ACCURATE AND TIMELY REPORTING?

A: Reporting was timely, but I cannot vouch for the accuracy of his reporting.

Q: TO YOUR KNOWLEDGE, DID ILT LORANCE REQUEST PERMISSION TO ENGAGE ANY TARGETS?

A: ILT Lorance did not request permission to engage. Engagements are usually a ground commanders call.

Q: AT THE TIME OF THE PATROL, DID YOU KNOW OF ANY CHANGES TO THE ROE?

A: I had not received any information as to the change of any ROE.

Q: WHAT IS RECON BY FIRE AND IS IT PERMITTED FOR USE?

A: Recon by fire is a technique used to spook the enemy to get them to engage back. I have not been notified if it was or was not permitted.

Q: DO YOU KNOW IF ILT LORANCE REQUESTED RECON BY FIRE?

A: To my knowledge ILT LORANCE did not request RECON by FIRE.

Q: HAS THERE BEEN ANY QUESTIONABLE ENGAGEMENTS OR REPORTS OF TREATING CIVILIANS ROUGHLY?

A: I have never gotten any reports of wrongful treatment to civilians.

Q: IS THERE ANYTHING YOU WOULD LIKE TO ADD TO THIS STATEMENT?

A: NO. /// END OF STATEMENT /// (b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGES

STATEMENT OF
STATEMENT (Continued)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

TAKEN AT DATED 16 JUL 12 CONTINUED:

0254-12-CID379-77688

Nothing to Follow

(b)(6) (b)(7)(C) (b)(3)

Nothing to Follow

(b)(6) (b)(7)(C) (b)(3)

Nothing to Follow

(b)(6) (b)(7)(C) (b)(3)

Nothing to Follow

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

I, _____, 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)(3)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of JULY 12 at _____

(b)(6) (b)(7)(C) (b)(3)

10 USC 936
(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

Exhibit 79

Page(s): 000285 thru 000286 referred to

Freedom of Information Act Office
Directorate of Human Resources

Attn: IMBG-HRA-F

4-2175 Reilly Road, Stop A
Fort Bragg, NC 28310-5000

OFFICIAL BUSINESS

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

PAGE 1 OF 9 PAGES

DETAILS

About 0955, 19 Jul 12, (b)(6) (b)(7)(C) (b)(3) this office, interviewed (b)(6) (b)(7)(C) (b)(3) XXX-XX- (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein she stated that she was notified by (b)(6) (b)(7)(C) (b)(3) and learned that they had been involved in an engagement. (b)(6) (b)(7)(C) (b)(3) requested she locate and individual fleeing north from the engagement area on a motorcycle. (b)(6) (b)(7)(C) (b)(3) deemed this individual hostile and directed that if identified committing hostile act to contact him for clearance of fires. She was unable to locate the individual. (b)(6) (b)(7)(C) (b)(3) identified a group of subjects watching the actions of ground forces and identified their location with smoke. No hostile acts were identified against ground forces. Photographs were taken of the engagement sight containing two bodies for battle assessment purposes. (See Statement)

About 1125, 19 Jul 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) and obtained a Pre-Deployment Health Assessment pertaining to 1LT LORANCE. (See Pre-Deployment Health Assessment)

About 1202, 19 Jul 12, (b)(6) (b)(7)(C) (b)(3) this office, interviewed (b)(6) (b)(7)(C) (b)(3) XXX-XX- (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) stated he was flying his OH-58D Kiowa Warrior helicopter with (b)(6) (b)(7)(C) (b)(3) when they were called to support (b)(6) (b)(7)(C) (b)(3). He stated upon arrival he saw two dead bodies on the road in close proximity of the U.S. ground unit. (b)(6) (b)(7)(C) (b)(3) stated (b)(6) (b)(7)(C) (b)(3) took several photographs with a regular digital camera of the deceased and subsequently turned them over to their S-2 section. (b)(6) (b)(7)(C) (b)(3) further provided a hand drawn sketch of the scene that he saw from his helicopter. (See Statement and Hand Drawn Sketch)

About 1430, 19 Jul 12, (b)(6) (b)(7)(C) (b)(3) met with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) discussed the incident and the way ahead. (b)(6) (b)(7)(C) (b)(3) provided a full brief on the investigation and discussed the Condolence Payment. (b)(6) (b)(7)(C) (b)(3) stated the family members did not come to the first Condolence Payment but if they attended the second one a CID Agent could be present. (b)(6) (b)(7)(C) (b)(3) stated he would not allow CID to interview the family but could attend and take notes. Additionally (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) stated he would attempt to have the family bring in family photographs for the family members that were killed. (b)(6) (b)(7)(C) (b)(3) stated he would also see if there was any photographs taken or video collected of the incident. (b)(6) (b)(7)(C) (b)(3) stated there was no CEREBUS video of the incident.

About 1500, 19 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who stated he has known 1LT LORANCE for about two and a half months while they were LNO's together. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE generally made socially unacceptable comments and sometimes bordered on sexual harassment. (b)(6) (b)(7)(C) (b)(3) stated the only examples he could give of 1LT LORANCE's comments and behavior was a "touchy feely" person and sometimes blew kisses at female LNO's. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE's work performance was good as he covered the day and night shift since they only had him as the LNO and he did not

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b)(7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

28 Jul 12

EXHIBIT

80

OFFICIAL USE ONLY

1 Jul 99

LAW ENFORCEMENT SENSITIVE

000287

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

PAGE 2 OF 9 PAGES

DETAILS

have a night shift person for relief. (b)(6) (b)(7)(C) (b)(3) stated he was unaware of any change to the Rules of Engagement and stated that if there was change it would be sent via a Fragmentary Order (FRAGO) and he has not seen any changes.

About 1520, 19 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who stated he knew 1LT LORANCE for about two and a half months. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE cared about doing a good job and made sure his duties were completed. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE was a jovial person but sometimes would say inappropriate things. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE had "no fire control of his mouth." (b)(6) (b)(7)(C) (b)(3) cited an example during the middle of a meeting he stood up and told a female Non-Commissioned Officer that she smelled good. On another occasion, 1LT LORANCE commented, (b)(6) (b)(7)(C) (b)(3) was eating peanut butter like a cat." (b)(6) (b)(7)(C) (b)(3) stated that 1LT LORANCE's peers often made fun of him because he did not attend Ranger School and did not have a Ranger tab.

About 1535, 19 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who stated he knew 1LT LORANCE for about one and a half months. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE worked hard and was able to complete his tasks even though he had to work parts of the day and parts of the night. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE did not have a "filter" and would say whatever came to his mind. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE was easily excited but he did not know much about him. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE seemed to get adequate sleep was unaware if he was having any difficulties. (b)(6) (b)(7)(C) (b)(3) stated there were no new directives or FRAGO's pertaining to changes in the Rules of Engagement.

About 1545, 19 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who stated she knew 1LT LORANCE for a few months. (b)(6) (b)(7)(C) (b)(3) stated when she first met 1LT LORANCE she thought he was childish and immature. After she began working with 1LT LORANCE, (b)(6) (b)(7)(C) (b)(3) stated he seemed decent overall. (b)(6) (b)(7)(C) (b)(3) believed 1LT LORANCE grew up in a sheltered home and they were possibly Presbyterian but she was unsure. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE was frustrated when Soldiers were injured. (b)(6) (b)(7)(C) (b)(3) knew when 1LT LORANCE was upset as he would become quiet and keep to himself. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE dated a female for a couple of months before the deployment but he broke off the relationship since he was coming to Afghanistan. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE always told jokes and made inappropriate comments but she could not cite any inappropriate comments he may have made.

About 1619, 19 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who stated he was 1LT LORANCE's replacement. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE did a very good job as an LNO and was fairly organized. (b)(6) (b)(7)(C) (b)(3)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b)(7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

28 Jul 12

EXHIBIT

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AGENT'S INVESTIGATION REPORT

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(b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE was knowledgeable on the job and created a Persistent Tracker that managed the linguists. (b)(6) (b)(7)(C) (b)(3) stated he was inside the Tactical Operations Center and (b)(6) (b)(7)(C) (b)(3) on a mission for personnel conducting visual operations (VISOPS) on his patrol. (b)(6) (b)(7)(C) (b)(3) stated he heard that (b)(6) (b)(7)(C) (b)(3) entered into another engagement then the reporting became incomplete. (b)(6) (b)(7)(C) (b)(3) knew something was not right with the mission and that he thought the information that was provided was "weird." (b)(6) (b)(7)(C) (b)(3) thought there was a third engagement but was unsure. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE read intelligence summaries and significant acts (SIGACTS) reports and knew how to report on mission. (b)(6) (b)(7)(C) (b)(3) stated that 1LT LORANCE told him that his goal for the platoon was to "take out" the number two wanted person in their area. 1LT LORANCE did not tell (b)(6) (b)(7)(C) (b)(3) how he was going to accomplish taking out the number two wanted person in the area just that was his goal. (b)(6) (b)(7)(C) (b)(3) stated he has not seen or heard of any Rules of Engagement changes since he has taken over for 1LT LORANCE.

About 1710, 19 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who stated 1LT LORANCE was a relaxed LNO. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE was looking forward to getting a platoon and was never high strung or stressed. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE mentioned how restricted engagements were if you do not have positive identification and it was like you were handcuffed. (b)(6) (b)(7)(C) (b)(3) stated that 1LT LORANCE was a jovial person and his jokes and actions were normal.

About 1759, 19 Jul 12, (b)(6) (b)(7)(C) (b)(3) conducted a check of the Defense Clearance and Investigation Index (DCII) and the National Crime Information Center which disclosed no derogatory information pertaining to (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3).

About 1028, 20 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) stated he was flying an Apache with (b)(6) (b)(7)(C) (b)(3) above the Kiowa helicopter approximately two to four kilometers from the ground. He stated he saw a motorcycle on the ground with a couple of people near it; however, was sure they weren't U.S. Soldiers. (b)(6) (b)(7)(C) (b)(3) stated he did not remember any pertinent specifics regarding the mission because he supported many different elements on ground every single day. (See Statement)

AGENT'S COMMENT (b)(6) (b)(7)(C) (b)(3) declined to provide a hand drawn sketch because he felt that so many missions seemed to blend in together and did not want to provide inaccurate information to this office.

About 1113, 20 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) stated he was part of a helicopter scout weapons team and he received a report of troops in contact near COP Panzai. Upon contacting (b)(6) (b)(7)(C) (b)(3) on the ground he learned they had engaged two subjects on a motorcycle and (b)(6) (b)(7)(C) (b)(3)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

28 Jul 12

EXHIBIT

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OFFICIAL USE ONLY

1 Jul 99

LAW ENFORCEMENT SENSITIVE

000289

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requested assistance in locating a third subject who fled the engagement area. (b)(6) (b)(7)(C) (b)(3) provided clothing information and stated that they were clear to engage if they located the subject. The lead aircrew informed (b)(6) (b)(7)(C) (b)(3) that without positive identification and a hostile threat, they would be unable to engage. (b)(6) (b)(7)(C) (b)(3) then requested that they fire into a field to flush the individual out of hiding. (b)(6) (b)(7)(C) (b)(3) was advised that terrain fires were not authorized. The other flight crew on the scene advised (b)(6) (b)(7)(C) (b)(3) of a southbound motorcycle to which (b)(6) (b)(7)(C) (b)(3) requested that the aircrew stop the motorcycle as he had information that anyone on motorcycles were Taliban and that motorcycles had been outlawed in that area. (b)(6) (b)(7)(C) (b)(3) stated he had not been briefed of this specific information. The aircrew did not stop the motorcycle, but called out the location of the motorcycle before having to break station for end of mission. During the reconnaissance, no hostile acts or intentions were observed, no one approached the bodies of the subjects downed by the motorcycle, and no additional engagements were observed. (b)(6) (b)(7)(C) (b)(3) provided a hand drawn sketch of the scene. (See Statement and Hand Drawn Sketch)

About 1136, 20 Jul 12 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who stated he was unable to see the motorcycle prior to engagement, and was unaware anyone was shot until he arrived in the village. Once he arrived in the village the family was crying and asking if they could please retrieve the bodies. (b)(6) (b)(7)(C) (b)(3) stated he relayed the information to 1LT LORANCE who stated they could not until a BDA was completed. (b)(6) (b)(7)(C) (b)(3) related once the detainee (b)(6) (b)(7)(C) (b)(3) was brought back to base, he was left there for four hours before being sent for treatment. (b)(6) (b)(7)(C) (b)(3) related to 1LT LORANCE that he was injured and hurting and needed to get medical attention. 1LT LORANCE said he would have to wait and would eventually get treatment. (b)(6) (b)(7)(C) (b)(3) spoke with (b)(6) (b)(7)(C) (b)(3) and told him that he was in the grape fields with his father when he saw his father get shot. He ran over to him and on the way was shot twice in the arm. (b)(6) (b)(7)(C) (b)(3) asked (b)(6) (b)(7)(C) (b)(3) if he had an ICOM radio and (b)(6) (b)(7)(C) (b)(3) stated he did not. (b)(6) (b)(7)(C) (b)(3) described 1LT LORANCE's demeanor as excited and anxious. Mr. (b)(6) (b)(7)(C) (b)(3) had to tell 1LT LORANCE that he was not one of his Soldiers and did not need to yell at him or treat him bad. 1LT LORANCE later apologized and stated he would not talk to him that way.

About 1246, 20 Jul 12 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who identified the procedures for obtaining changes to the ROE, as well as indicated ICOM radios, without other indicators, were not considered hostile intent or a hostile act and could not be engaged. (b)(6) (b)(7)(C) (b)(3) also stated his ROE is completely independent of the ANA and that they have fewer restrictions. (b)(6) (b)(7)(C) (b)(3) stated if the ANA change their ROE, he was not authorized to adopt their changes within his platoon. (See Sworn Statement)

About 1616, 20 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein he stated he never issued any order or directive to engage motorcycles without having positive identification they were enemy combatants. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE has been present

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b)(7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

28 Jul 12

EXHIBIT

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and listened to the Command and staff discussions during dozens of sessions that provided guidance and methodology which limited the use of force and emphasized the importance of proportionality of application of force. (See Sworn Statement)

About 1630, 20 Jul 12, (b)(6) (b)(7)(C) (b)(3) collected three hard drives from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) completed an EPCD that listed all three hard drives and recorded he collected the hard drives from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (See EPCD)

About 1803, 20 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein he described obtaining three hard drives from the Brigade TOC. (b)(6) (b)(7)(C) (b)(3) described his procedures for removing the hard drives from the computers and stated he maintained custody until he provided them to (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1055, 23 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) via interpreter (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) related he was a guest of (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) at their residence in (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) They were traveling from their residence to their grape fields in Sarenzai when they saw a military truck parked in the road. (b)(6) (b)(7)(C) related due to the road conditions they could not ride fast, and were not riding fast when they saw the truck. (b)(6) (b)(7)(C) said almost everyone in the local villages owned a motorcycle because they were cheap, and able to ride on the roads easily. He also said the route they had taken from Panjawa'i to Sarenzai was the only route available and that everyone used it. It was very common to ride a motorcycle on that road. They next heard warning shots and stopped the motorcycle. (b)(6) (b)(7)(C) related they did not see the patrol in the grape fields until after they stopped the motorcycle. Mr. (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) dismounted the motorcycle while Mr. HAQ stayed on. Mr. (b)(6) (b)(7)(C) yelled to the ANA that he was good and wanted to tend to his grape fields and house, but was too far away for them to hear. He decided to approach the ANA with his hands up to show he was unarmed, and ask where they wanted him to go to talk, but was met with a hand gesture to return to the motorcycle. Mr. (b)(6) (b)(7)(C) and Mr. ASLAM conversed and expected to be approached by either ANA or U.S. Forces for an interrogation and an opportunity to identify themselves as locals and not Taliban. Mr. (b)(6) (b)(7)(C) stated approximately 3-5 minutes after they stopped the motorcycle that shots were fired from the truck. One shot almost struck Mr. (b)(6) (b)(7)(C) and another struck Mr. HAQ in the neck. Mr. (b)(6) (b)(7)(C) and Mr. ASLAM ran to HAQ and attempted to stop the bleeding. Mr. (b)(6) (b)(7)(C) told Mr. ASLAM they needed to get help, but Mr. ASLAM refused to leave his Son's side. Mr. (b)(6) (b)(7)(C) then ran into the village to find help. Mr. (b)(6) (b)(7)(C) found family and they ran toward the motorcycle where they were stopped by the U.S. Patrol. The U.S. Patrol told them they had to wait because they wanted to see if the riders were criminals. At that time, Mr. (b)(6) (b)(7)(C) was unaware Mr. ASLAM had also been shot. He stated he was running and yelling and did not hear any more shots, but was told by family that more were fired. Once stopped by the U.S. Patrol, they were not allowed to recover the bodies for approximately 45 minutes.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

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In regards to the shooting in the grape field that injured Mr. (b)(6) (b)(7)(C) and killed Mr. J MOHAMMED, Mr. (b)(6) (b)(7)(C) was adamant they did not own ICOM radio's and had heard previously that was the reason they were shot. Mr. (b)(6) (b)(7)(C) stated the Soldiers were lying and they were only working in their grape fields.

Mr. (b)(6) (b)(7)(C) related he had been to the ECP of SP Payenzai approximately 5 or 6 times prior to this incident and had dealt with the U.S. Soldiers there asking if he could irrigate his grape fields. He said he never had any problems with the U.S. Soldiers prior to this incident, but that his family is now scared of the U.S. Soldiers and has sought medical treatment to deal with the mental problems acquired because of this incident. Mr. ASLAM's two other children (b)(6) (b)(7)(C) are now tending to the grape fields since their Father was killed.

Mr. (b)(6) (b)(7)(C) (b)(3) was asked about the shooting incident the night prior and said he heard Mr. (b)(6) (b)(7)(C) (b)(3) motorcycle was shot in the gas tank by U.S. Forces. He further stated Mr. (b)(6) (b)(7)(C) (b)(3) lives in Kandahar City and he would try to locate a phone number for him. Mr. (b)(6) (b)(7)(C) had no direct knowledge of the shooting incident and had not spoken with Mr. (b)(6) (b)(7)(C).

Mr. (b)(6) (b)(7)(C) stated his family had not accepted the condolence payment as they did not want to forgive the U.S. for the deaths of their family members.

About 2130, 24 Jul 12, (b)(6) (b)(7)(C) (b)(3) spoke with (b)(6) (b)(7)(C) (b)(3) via telephone and asked him if 1LT LORANCE asked him to lie about the BDA following the mission. (b)(6) (b)(7)(C) (b)(3) related without details that 1LT LORANCE made suggestions to the idea. (b)(6) (b)(7)(C) (b)(3) related he would provide a sworn statement with further details.

About 2140, 24 Jul 12, (b)(6) (b)(7)(C) (b)(3) coordinated with Mr. (b)(6) (b)(7)(C) who related he spoke with Mr. (b)(6) (b)(7)(C) today while out on mission via telephone. Mr. (b)(6) (b)(7)(C) related he went to Mr. (b)(6) (b)(7)(C) but he was not home. Mr. (b)(6) (b)(7)(C) family would not provide Mr. (b)(6) (b)(7)(C) with a phone number for him. Mr. (b)(6) (b)(7)(C) related to Mr. (b)(6) (b)(7)(C) to inform the family this office needed to make contact with him and talk to him about the incident where his motorcycle was shot.

About 1225, 25 Jul 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who reviewed the Radio Transmission Operator (RTO) logs and related there were no reports of SP Payenzai receiving small arms fire on the evening of 1 Jul 12.

(b)(6) (b)(7)(C) (b)(3) further requested (b)(6) (b)(7)(C) (b)(3) swear (b)(6) (b)(7)(C) (b)(3) to his statement once it is reviewed by this agent. (b)(6) (b)(7)(C) (b)(3) related he would provide the sworn statement with digital signatures to office

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b)(7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

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upon completion. He further stated (b)(6) (b)(7)(C) (b)(3) would be available at Ghariban later this evening and would inform this office when he was available to answer the question about who was at the meeting.

About 2007, 25 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing the proper way for U.S. Forces to defeat IED's. (b)(6) (b)(7)(C) (b)(3) stated non-EOD and non-Engineer personnel are not authorized to defeat IED's. They may only mark it, bypass it, and then call it up; or call for support from EOD or Engineers to defeat it. (See Sworn Statement)

About 1240, 26 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided this office with a copy of an e-mail from 1LT LORANCE to (b)(6) (b)(7)(C) (b)(3) on 15 Jun 12. In the e-mail 1LT LORANCE states (b)(6) (b)(7)(C) (b)(3) does not question the legality of their engagements like he does other units. (See E-Mail)

AGENT'S COMMENT: This shows 1LT LORANCE knew what he was saying when he told (b)(6) (b)(7)(C) (b)(3) to report things exactly as he said because he knew what they look for in the BDE TOC and would not question it.

About 1718, 26 Jul 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who provided this office with (b)(6) (b)(7)(C) (b)(3) sworn statement detailing how 1LT LORANCE asked him to lie in answers in the previous questions sent to him. (b)(6) (b)(7)(C) (b)(3) related C TRP had not obtained any fatalities, but has received the following WIA:

(b)(6) (b)(7)(C) (b)(3)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

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(b)(6) (b)(7)(C) (b)(3) stated ROE cards were not issued to the Troop and they did not make their own.

(b)(6) (b)(7)(C) (b)(3) provided a list of who had radios on 2 Jul 12, and what nets they were on:

(b)(6) (b)(7)(C) (b)(3)

1LT LORANCE - MBITR on PLT frequency and TRP frequency.

(b)(6) (b)(7)(C) (b)(3)

About 1420, 27 Jul 12, (b)(6) (b)(7)(C) (b)(3) met with (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) and obtained authorization to conduct a Digital Forensic Examination of the evidence. (See Search Authorization)

About 2010, 27 Jul 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who related (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) were present during the meeting in which 1LT LORANCE stated they were going to pull the locals out of their homes "Nazi Style."

About 2020, 27 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who related he received (b)(6) (b)(7)(C) (b)(3) traffic from (b)(6) (b)(7)(C) (b)(3) while they were already in the village during the patrol. (b)(6) (b)(7)(C) (b)(3) stated he was only monitoring the TRP frequency and as normal, verbally passed the information to the Platoon Leader, 1LT LORANCE. Normal procedures were for the PL to pass the information to the squad leaders and team leaders via the platoon frequency; however, (b)(6) (b)(7)(C) (b)(3) did not recall if 1LT LORANCE passed the information along. (b)(6) (b)(7)(C) (b)(3) was unable to recall the specific details of the wolfhound traffic that he heard and passed along.

About 2230, 27 Jul 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who related 1LT LORANCE attended Ranger School during class 07-11, but was recycled because he failed land navigation. (b)(6) (b)(7)(C) (b)(3) related 1LT LORANCE became a heat casualty during class 08-11 and did not complete the course. 1LT LORANCE was authorized by Ranger School Standards to attend the course again; however, it would have to be during cold weather months.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b)(7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE (b)(6) (b)(7)(C) (b)(3)

DATE

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About 1036, 28 Jul 12, (b)(6) (b)(7)(C) (b)(3) sent via email a Digital Forensic Laboratory Examination Request (FLER) to (b)(6) (b)(7)(C) (b)(3) (See FLER)

About 1345, 28 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who related (b)(6) (b)(7)(C) (b)(3) and possibly (b)(6) (b)(7)(C) (b)(3) were present when LT LORANCE told him to lie and report that they had received small arms fire to the CO TOC. (b)(6) (b)(7)(C) (b)(3) further related he was present in the meeting when LT LORANCE told the group they were going to pull the villagers out of their homes "Nazi Style" and search their compounds. LT LORANCE stated the intent was to scare them and let them know the Soldiers were no longer going to be hurt in that area.

About 1657, 28 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing the brief given by LT LORANCE on 1 Jul 12. (b)(6) (b)(7)(C) (b)(3) stated LT LORANCE related his squad was to rough up the locals if they did not comply. Further, (b)(6) (b)(7)(C) (b)(3) detailed the timing of (b)(6) (b)(7)(C) (b)(3) engagement. (b)(6) (b)(7)(C) (b)(3) further detailed LT LORANCE did not pass along the Wolfhound traffic once he received it from (b)(6) (b)(7)(C) (b)(3). (b)(6) (b)(7)(C) (b)(3) See Sworn Statement)///LAST ITEM///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIC

(b)(6) (b)(7)(C) (b)(3)

DATE

28 Jul 12

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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) (b)(3)	DATE 19 Jul 12 1109	FILE NUMBER 0254-12-CID379-77688
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX-(b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)		

(b)(6) (b)(7)(C) (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

the date of the incident, (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

contacted us and asked us to contact and support their Chainsaw element. Upon checking in with (b)(6) (b)(7)(C) (b)(3) on the radio, (b)(6) (b)(7)(C) (b)(3) passed us a target description of one individual fleeing to their North on a motorcycle. They had deemed this individual hostile and told us if we were able to PID individual of interest to the North committing a hostile act, we could contact them for clearance of fires. While attempting to identify the individual, Chainsaw also informed us that they had engaged 2 individuals prior to us being on station who were deemed hostile, and the individual of interest had been with them and fled from the engagement area. Our team attempted to identify an individual meeting the target description, but were unable to do so. (b)(6) (b)(7)(C) (b)(3) requested we maintain overwatch of them, and conduct recon of the area for any suspicious activity. (b)(6) (b)(7)(C) (b)(3) complied, and were eventually able to identify a large group of adult males massing and then departing the objective area, a common TTP for insurgents. We passed this spot report to (b)(6) (b)(7)(C) (b)(3) who asked where the individuals were egressing. We passed the

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 4 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 SIDE OF ANOTHER COPY OF THIS FORM.

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DATED 19 Jul 12 CONTINUED

STATEMENT OF

TAKEN AT

(b)(6) (b)(7)(C) (b)(3) d location. They were unable to identify the area, and we informed them we could drop smoke so they could visually identify the area. They requested for us to drop the smoke and we complied. We also maintained visual of these individuals to ensure they were not acting suspiciously. For the remainder of our station time, we conducted general overwatch and recon, passing (b)(6) (b)(7)(C) (b)(3) spot reports of normal patterns of life. When preparing to depart at the end of the mission, we noted the two bodies of the hostile individuals from the ground force engagement. We took a few photos for the purpose of Battle Damage Assessment, something we do after all our engagements when possible. Shortly thereafter, we checked off station with (b)(6) (b)(7)(C) (b)(3) due to being at the end of our mission window, and departed back to KAF.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: What is (b)(6) (b)(7)(C) (b)(3)?

A: (b)(6) (b)(7)(C) (b)(3) it consists of one OH-58D and one AH-64D who operate with one another.

Q: What does PID stand for?

A: Positive identification

Q: What does TTP stand for?

A: Troop Training Procedure

Q: On this mission, did you observe any hostile acts against ground forces?

A: No I did not.

Q: During this mission were you asked to engage (b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

DATED 19 Jul 12 CONTINUED

targets?

A: We were asked to engage the first individual of interest if we could positively identify him conducting hostile act.

Q: Who made that request?

A: The individual we were speaking with on the radio -

(b)(6) (b)(7)(C) (b)(3)

Q: What do you do with the photos taken for battle assessment?

A: We pass them to our S-2 shop when we return from mission.

Q: Is there anything you would like to this statement or did you observe any additional engagements by ground forces?

A: No. No, we did not observe any engagements by ground forces. /// End of Statement

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT:

(b)(6) (b)(7)(C) (b)(3)

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PAGE 3 OF 4 PAGES

000298

EXHIBIT 81

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

STATEMENT OF

STATEMENT (Continued)

TAKEN AT DATED 19 JUL 12 CONTINUED:

0254-12-C1D379-7768

(b)(6) (b)(7)(C) (b)(3)

Not Used

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

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 UNLAW

(b)(6) (b)(7)(C) (b)(3)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of July, 2012 at

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

10 USC 936

(Authority To Administer Oaths)

IN (b)(6) (b)(7)(C) (b)(3) STATEMENT

PAGE 4 OF 4 PAGES

Exhibit 82

Page(s): 000300 thru 000301 referred to:

U.S. Army Medical Command
Attn: Privacy Act and Freedom of Information Office
2748 Worth Road, Suite 21
JBSA Fort Sam Houston, TX 78234-6021

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LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

CASE NUMBER: 0254-12-C10379-77688

LOCATION: (b)(6) (b)(7)(C) (b)(3)

TIME: 1202

NAME: (b)(6) (b)(7)(C) (b)(3)

SSN: XXX-XX (b)(6) (b)(7)(C) (b)(3)

GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)

DATE: 19 July 20 (b)(6) (b)(7)(C) (b)(3)

ORG/ADDRESS (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT

UNDER OATH:

While conducting recon and security (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Following our check in, we

were informed by (b)(6) (b)(7)(C) (b)(3) that they had already positively identified and engaged 2 enemy fighters who were observing and maneuvering on their patrol. They asked us to look for a third enemy fighter in light colored clothing riding north on a motorcycle, and cleared us to engage if we could identify that individual. (b)(6) (b)(7)(C) (b)(3) back and informed him that we would scan the area for personnel fitting his description and that if we could establish PID of hostile act or intent, we would begin the process of gaining clearance of fires. We saw several personnel in the area and patterns of life appeared normal, but we were unable to identify anyone who fit (b)(6) (b)(7)(C) (b)(3) description. Approximately 15 to 20 minutes later, as our team was preparing to depart the area, we saw the bodies of 2 deceased adult males in close proximity to several US MRAPs, who we determined to be the original 2 enemy fighters (b)(6) (b)(7)(C) (b)(3) had engaged. We took pictures for battle damage assessment and continued our mission, at which time we returned to base. (b)(6) (b)(7)(C) (b)(3) submitted the pictures along with her statement of the events as they transpired that day to our squadron S2.

Q: (b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)

Q: What is PID?

A: Positive identification.

Q: What is AO?

A: Area of Operations

Q: Do you know who, personnel wise, was (b)(6) (b)(7)(C) (b)(3)

A: No.

Q: How far away were the US MRAPs from the 2 deceased enemy fighters?

A: The two deceased were approximately 50 meters east of them. They were on the road. I saw blood on the road.

Q: About how much blood did you see?

A: There was a puddle of blood, about four feet wide pooling out from underneath one of them.

Q: Was there a motorcycle near the bodies?

A: I think so.

Q: What net channel were you monitoring?

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

Page 1 of 3

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

Statement of, (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) continued:"

0254-12-CID379-77688

A: I don't recall

Q: What did (b)(6) (b)(7)(C) (b)(3) request from you?

A: They requested we look for an adult male in light colored clothing northbound on a motorcycle. That he was the third enemy fighter that they had seen and for us to engage him.

Q: The person you were talking to on the radio, did he sound stressed or anything like that?

A: He sounded normal.

Q: Did you identify any threats?

A: No.

Q: Did you drop smoke at any time?

A: No.

Q: Did they request smoke?

A: I don't think so.

Q: Was there another helicopter with yours?

A: Yes.

Q: Who was it?

A: Our Apache helicopter. I think it was (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3)

Q: Who was with you in your helicopter?

A: (b)(6) (b)(7)(C) (b)(3)

Q: Did you observe any engagements?

A: No. I didn't see them actually engage.

Q: How long were you overhead?

A: About 20 minutes

Q: Is there any ROE specific to motorcycles?

A: No.

Q: Did you see any other motorcycles in the area?

A: Yes. From all directions, there were multiple.

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

A: Not at this time.///END OF STATEMENT/// (b)(6) (b)(7)(C) (b)(3)

Statement of, (b)(6) (b)(7)(C) (b)(3) taken on 19 July 2012, at (b)(6) (b)(7)(C) (b)(3)
continued:"

0 2 5 4 - 1 2 - C 1 D 3 7 9 - 7 7 6 8 8

AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3) 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C) (b)(3)

WITNESSES:

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION AND ADDRESS

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

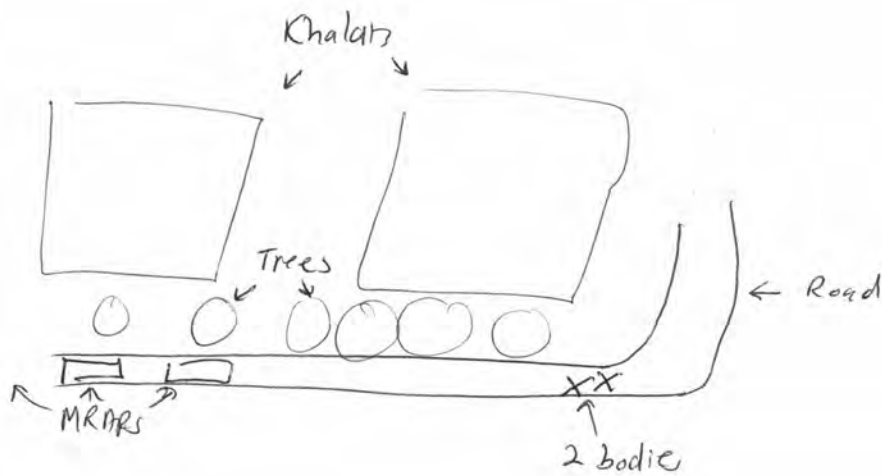
INITIALS OF PERSON MAKING STATEMENT:

(b)(6) (b)(7)(C) (b)(3)

Page 3 of 3

0254-12-C1D379-77988

↑N



(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

19 July 12, 1202

19 July 2012 1202

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

CASE NUMBER: 0254-12-CID379-77688

LOCATION: (b)(6) (b)(7)(C) (b)(3)

TIME: 1028 B^S

NAME (b)(6) (b)(7)(C) (b)(3)

SSN: XXX-XX-(b)(6) (b)(7)(C) (b)(3)

GRADE/STATUS: (b)(6) (b)(7)(C) (b)(3)

DATE: 20 July 2012 (b)(6) (b)(7)(C) (b)(3)

ORG/ADDRESS: (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER

OATH:

(b)(6) (b)(7)(C) (b)(3) on the date in question, (b)(6) (b)(7)(C) (b)(3) was called to respond to a TIC (Troops In Contact). We got frequencies and call signs for the unit in question and pushed over to their location. Upon arrival we were told that they had engaged insurgents to the north of their blocking position. We ascertained the location of friendly forces and began to conduct reconnaissance for the ground element. We were unable to attain PID (Positive Identification) of any more hostiles or hostile acts while we were on station. We provided approximately 15-20 minutes of station time and relayed SPOT reports of the local area patterns of life to the ground elements. After this we broke station.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: Do you remember what unit was on ground?

A: No.

Q: Do you remember what their call sign was?

A: No.

Q: Did you see the unit's vehicle or personnel on ground?

A: Yes I saw at least one MRAP but unsure how many were dismounted.

Q: Did you see any motorcycles or people on motorcycles?

A: Yes. There was one north of their position and about two or three more riding around in the vicinity.

Q: The motorcycle to the north, was anyone on it or was it just sitting there?

A: I don't remember if anyone was on it, but I think there were a couple of people by it.

Q: Do you remember what those people looked like?

A: No, but they were not U.S. Soldiers.

Q: Which helicopter were you flying?

A: The Apache.

Q: Which seat were you in?

A: The back seat.

Q: Do you remember what date this was?

A: No.

Q: Do you remember what area this happened in?

A: Honestly, no.

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT:

Page 1 of 2

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W ENFORCEMENT SENSITIVE

Statement of (b)(6) (b)(7)(C) (b)(3) taken on 20 July 2012, a (b)(6) (b)(7)(C) (b)(3) continued."

(b)(6) (b)(7)(C) (b)(3)

0254-12-C1D379-77688

Q: About how far away were you flying?

A: I was probably anywhere between 2 and 4 km, in an orbit pattern.

Q: Who was (b)(6) (b)(7)(C) (b)(3) with you?

A: (b)(6) (b)(7)(C) (b)(3)

Q: What did the ground unit request from you directly?

A: I believe initially they were trying to talk us on to an individual but we couldn't PID. Then it was just regular reconnaissance.

Q: Is there any ROE specific to motorcycles?

A: No.

Q: Did you take any pictures?

A: No. We don't carry cameras in our aircraft.

Q: How long were you overhead?

A: 15 to 20 minutes overhead.

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

A: No. ///END OF STATEMENT/// (b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C) (b)(3)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION AND ADDRESS

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

FOR OFFICIAL USE ONLY

Page 2 of 2

EXHIBIT 000307

SWORN STATEMENT

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

LOCATION (b)(6) (b)(7)(C) (b)(3)	DATE 20 Jul 12	FILE NUMBER 0254-12-CJD379-77688
LAST NAME FIRST NAME MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX-(b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 2 July 2012, I was part of a (b)(6) (b)(7)(C) (b)(3) from 0300 to 0800. At 0700, prior to returning to Kandahar Airfield for end of mission, we received a report of troops in contact in the vicinity of COP Panzai in 3Fury's AO. We arrived overhead and our lead aircraft made radio contact with a (b)(6) (b)(7)(C) (b)(3) element. I do not remember the specific call sign. (b)(6) (b)(7)(C) (b)(3) reported that they had engaged two insurgents on a motorcycle, with a third insurgent heading North in an adjacent field. We saw the two insurgents lying next to the motorcycle and began searching for the third insurgent. When lead asked for clarification to help identify this insurgent, (b)(6) (b)(7)(C) (b)(3) stated that he was wearing white clothing and that we were cleared to engage this insurgent once we located him. Lead informed Chainsaw that unless we had positive identification of the insurgent and that he still posed a threat we would be unable to engage. (b)(6) (b)(7)(C) (b)(3) acknowledged and then asked if we could fire into a field to possibly flush the insurgent out of hiding. Lead stated that we were not authorized terrain fires, but that we would remain overhead and provide reconnaissance of their immediate area and advise them of any personnel moving around their position. We identified two to three motorized carts, or trikes, with several personnel to the Northwest of their location that appeared to be farming and posed no threat. Additionally, lead saw a single individual on a motorcycle driving South to the West of their position. (b)(6) (b)(7)(C) (b)(3) asked if we could stop this individual because they had information that anyone using motorcycles were Taliban and that motorcycles were outlawed in that area. I have never been briefed this specific information, only that Taliban fighters frequently use motorcycles to quickly escape an area after an attack. Lead attempted to call out the location of this individual before we broke station for end of mission. This entire event only lasted about 20 or 30 minutes. While we were overhead lead took photos of the two insurgents that Chainsaw engaged and we had our video recorder running, however since (b)(6) (b)(7)(C) (b)(3)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 3
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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 SIDE OF ANOTHER COPY OF THIS FORM.

0254-12-C10379-77688

STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

TAKEN AT (b)(6) (b)(7)(C) (b)(3)

DATED 20 Jul 12 CONTINUED

(b)(6) (b)(7)(C) (b)(3) did not engage we were not required to turn in a copy of the recording to our S-2. The video has since been used by another crew and was recorded over. While supporting (b)(6) (b)(7)(C) (b)(3) neither my helicopter nor lead aircraft fired any rounds or dropped any smoke to mark individuals. While we were on station with (b)(6) (b)(7)(C) (b)(3) we did not observe any other engagements or get called (b)(6) (b)(7)(C) (b)(3) station to support anyone else.

Q: (b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)

Q: What radio net did you monitor while overhead?

A: Initially we checked (b)(6) (b)(7)(C) (b)(3) and were subsequently pushed to (b)(6) (b)(7)(C) (b)(3) we remained on (b)(6) (b)(7)(C) (b)(3) frequency for the duration of our support there.

Q: When (b)(6) (b)(7)(C) (b)(3) requested you to stop the southbound motorcycle, how did he expect you to stop it?

A: I am unaware of his expectations, but in the past the OH-58D will drop a smoke grenade or fly low and use hand and arm signals to stop someone.

Q: when you observed the two subjects (b)(6) (b)(7)(C) (b)(3) on the ground by the motorcycle, did you observe any weapons laying near them?

A: I could not observe weapons in my sensor nor did I see any weapons in the photos the (b)(6) (b)(7)(C) (b)(3) aircraft took.

Q: Did anyone approach the bodies while you were overhead?

A: No, traditionally locals will come collect the bodies for burial but we did not see anyone approach while we were there. Additionally, I did not see US Forces approach the bodies while we were overhead.

Q: Is there anything you would like to add to this statement?

A: There is nothing else I would like to add to this statement. /// End of Statement (b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGES

(b)(6) (b)(7)(C) (b)(3)

0254-12-CID379-77688

STATEMENT OF
STATEMENT (Continued)

(b)(6) (b)(7)(C) (b)(3)

TAKEN AT DATED 20 Jul 12 CONTINUED:

(b)(6) (b)(7)(C) (b)(3)

Not Used

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

WHICH BEGINS
ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS
THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT
PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR

(b)(6) (b)(7)(C) (b)(3)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law
to administer oaths, this 20 day of July, 2012
at 111

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority To Administer Oaths)

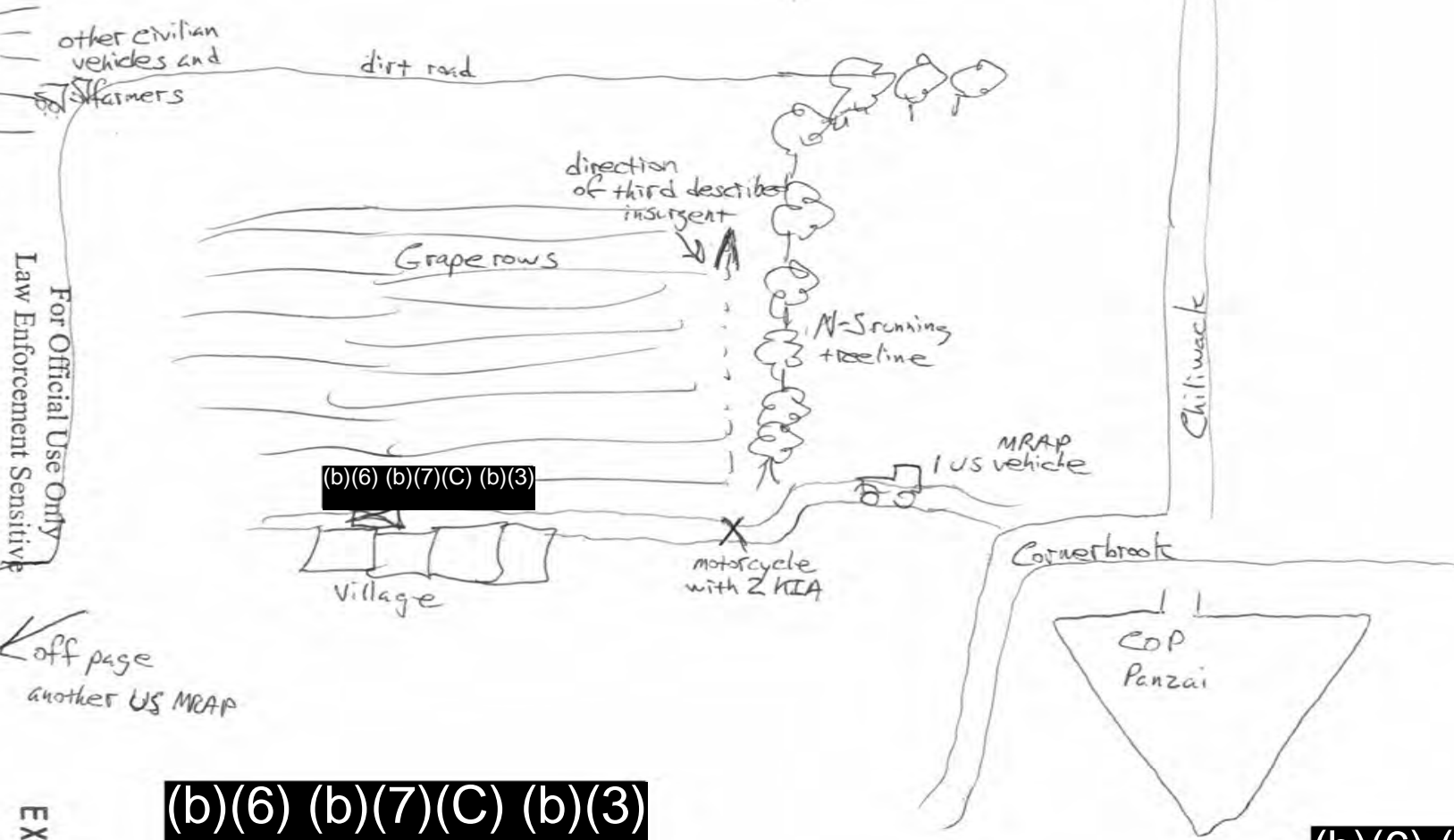
INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

PAGE 0 OF 3 PAGES

N ↑

Hwy 1



(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

20 Jul 12

(b)(6) (b)(7)(C) (b)(3)

0254-12-CID379-77688
000311

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Law Enforcement Sensitive

off page
another US MRAP

EXHIBIT 85

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) (b)(3)	DATE 20 Jul 2012 12:46L	FILE NUMBER 0254-12-CID379-77688
LAST NAME FIRST NAME MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX (b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)		

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

From the time I took command of 2nd platoon, Chainsaw Troop, 4/73 CAV (ABN) the Rules of Engagement (ROE) have been modified very little. The three primary components of ROE are the identification of imminent threat, hostile act or hostile intent. IOT implement the direct fire weapon system that are organic to my platoon organization. Imminent threat is when the enemy is engaging us with direct or indirect fire weapons systems. When presented with an imminent threat, my Troopers are free to return direct fire with the purpose of suppressing the enemy with the proportional amount of force. A hostile act is any action the enemy takes that will, within a short period of time, will escalate into an imminent threat. An example of a hostile act would be the identification of enemy setting into fighting positions with the weapons oriented on Friendly Forced (FF). If my Troopers witness a hostile act, they are free to engage with their personal direct fire weapon systems (with proportional amount of force). IOT suppress the enemy or deter the situation from escalating to an imminent threat. Hostile intent is the most obscure of the ROE components because it requires a number of indicators to be tied together. IOT solidify a reasonable conclusion and justification to implement direct fire weapon systems. From the time I entered theatre (Late February 2012) I have been briefed that some hostile intent indicators are: vehicles moving at a high rate of speed at a good stand-off range, identification of enemy conducting VISOPS, threatening Wolfhound or LLVI traffic or identification primary source of information has come down from my troop level leadership. All changes to the ROE/EOF/Appendix 8 (Clearance of Fires) have come down through the same channel. The recent major changes to ROE are the clearance of 320/203/240B/M2 .50 Cal/Gustav/MK-19 are the sole responsibility of the Ground Force Commander (GFC, E-6 or above). Hostile intent can become a hostile act if multiple indicators can, objectively, be tied together to form a reasonable conclusion; for instance, local national with weapons moving tactically correlated with corresponding threatening Wolfhound or LLVI traffic can escalate a hostile intent to a hostile act.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: Did you type the above narrative?

A: Yes.

Q: Is it in your own words?

A: Yes.

Q: What references to motorcycles have you heard in regards to the ROE?

A: Just motorcycles themselves don't indicate a hostile actor or imminent threat. They have to be correlated with a weapons system or PID of leaving a scene in order to justify engaging.

Q: How do your ROE correspond with the ANA ROE?

A: We generally operate under two completely different ROE. The ANA often engage with little or no PID and they often engage with warning shots and recon by fire; which has absolutely no effect on my decision making process for engaging. They are completely independent of each other.

Q: Explain further when you say you are briefed of changes via troop level leadership.

A: We are generally given a short overview brief from the CDR of 1SG and it is given to the PL's or PSG's. We are given the supporting documentation and then we (PL or PSG) pass it down to our Jr level leadership and they pass it down to the lowest Soldier. The PL or PSG sit in on the briefings to lower enlisted. If there is something we don't understand we ask for further guidance from the CDR of 1SG.

Q: Are the ROE changed rapidly?

A: Yes. Typically we find out the night prior to a patrol that the ROE have changed. We do a 2100 meeting every night and that's when that type of information comes out and we have to brief our Soldiers before the

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	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 SIDE OF ANOTHER COPY OF THIS FORM.

0254-12-CID379-77688

STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

DATED 20 July 2012 CONTINUED

(b)(6) (b)(7)(C) (b)(3)
patrol.

Q: Do you take guidance on your ROE from the ANA?

A: No. My decision making process is completely objective from the ANA.

Q: Is that something that you decided on your own?

A: No. That is dictated by Higher Command. I am not authorized to adopt their ROE because I am only authorized to operate under the ROE dictated by my higher command, not theirs.

Q: When did you take over 2nd platoon?

A: May w2012.

Q: Where were you before?

A: Sakari Karez as the night battle captain and assistant S3 for 4/73 CAV.

Q: How many times have the ROE changed since you've been in theatre for this deployment?

A: When I first got into theatre we were authorized to engage anybody with ICOM radios if they had other indicators which were not specifically detailed. Within the last 2 ½ weeks it was changed where we now have to have other indicators which could be corresponding wolfhound or LLVI traffic, tactical movement with a weapon system, emplacement of IED observed by either the GFC or ISR asset. IT has now been more defined.

Q: Prior to the recent change, where ICOM radios, without any other indicators, considered a hostile act or intent which authorized deadly force?

A: No. Completely objectively, a person with an ICOM was not authorized to be engaged. There had to be other indicators to identify hostile intent/hostile act.

Q: What documentation were you provided in regard to the ROE since your arrival in theatre?

A: Prior to the recent change, I do not believe I received any literature. Since the recent change, I received the brigade directive for ROE to pass down to my Soldiers.

Q: How often do you receive refresher training on the ROE?

A: We discuss it about once a week during our nightly meeting.

Q: Were ICOM radios a topic of discussion during your refresher training on ROE?

A: No, I do not believe we typically discussed them except for the most recent change.

Q: How many deployments have you been on?

A: This current deployment is my first.

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

A: No.//END OF STATEMENT// (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

For Official Use Only
Law Enforcement Sensitive

PAGE 2 OF 3 PAGES

000313

EXHIBIT

STATEMENT OF
STATEMENT (Continued)

(b)(6) (b)(7)(C) (b)(3)

DATED 20 July 2012 CONTINUED:

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

_____, 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 STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C) (b)(3)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC § 936
(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

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) (b)(3)	DATE 20 Jul 2012	TIME 1416	OFFICER (b)(6) (b)(7)(C) (b)(3)
LAST NAME FIRST NAME MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)	
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)			

(b)(6) (b)(7)(C) (b)(3), (b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

It has been brought to my attention that LT. Lorange has suggested that I provided guidance to him that he was to consider people on Motorcycles as hostile. There can be nothing further from the truth. His behavior and that of his platoon on the day of the incident is completely out of character with the behavior of this Task Force. During my 8 tours in the war I have never advocated or tolerated any soldier or leader to engage a person that has not clearly demonstrated hostile intent or act. It is contrary to everything I believe, educate train or inspire. At no time has anyone in this Task Force been ordered to engage people on motorcycles that haven't previously been observed as hostile.

I have never had one on one dialog with LT Lorange on the required components for declaration of hostile intent or hostile intent criteria.

LT Lorange was an LNO in the Task Force and listened to Command and staff discussions during dozens of sessions that would, even to the casual observer, provide guidance and methodology limiting the use of force and the importance proportionality and appropriate application of force. At no time have we engaged a person that has not demonstrated or been observed to demonstrate hostile intent. He has been an observer in the TOC where we have executed dozens of righteous and legitimate engagements of INS forces, which, again, even to the casual observer would have set the example of the proper adjudication of force. (b)(6) (b)(7)(C) (b)(3)

The following questions were asked by (b)(6) (b)(7)(C) (b)(3) and I provided the answers:

(b)(6) (b)(7)(C) (b)(3)

Q: Have you ever heard of a term RECON BY FIRE?

A: Yes. I have heard the term. The definition that I understand is firing weapons at or near an suspected Insurgent location in the hopes that they would return fire and reveal their position.

Q: Do you know the ANA ROE for engaging motorcycles?

A: I am not aware of a written ROE from 3/205th Corps Commander that covers engaging motorcycles without proof of them being Insurgents. I have not observed or received reports of ANA soldiers in 3/205th engaging motorcycles without them being identified as a threat.

Q: Could you explain your ROE if a Trooper encounters a motorcycle on patrol?

A: He will observe the person in the same manner we observe all people in our surroundings. All people are presumed to be civilians until they prove over wise.

Q: Do you know of any reason LT Lorange wasn't given a platoon sooner?

A: He was on 4-73's Order of Merit for a platoon position who served as an LNO until he was needed by the unit to fill a vacancy. We attempt to put the best qualified Lieutenants into leadership positions. Ideal qualifications for a maneuver PL include a full training period at home station and successful completion of Ranger School.

Q: Do you normally require Battle Damage Assessments following engagements?

A: Absolutely. All engagements require leaders to conduct and report a Battle Damage Assessment to their chain of command.

Q: Do you know if it was conducted during this engagement?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

DATED 20 July 2012 CONTINUED

A: The initial reports after the engagement were very slow in coming and from our observations incomplete.

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

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

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF
STATEMENT (Continued)

(b)(6) (b)(7)(C) (b)(3)

0254-12-CID379-77688
DATED 20 July 2012 CONTINUED:

(b)(6) (b)(7)(C) (b)(3) AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C) (b)(3)

WITNESSES:

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of July, 2012.

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

10 USC § 936

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION (b)(6) (b)(7)(C) (b)(3)	2. DATE (YYYYMMDD) 2012/07/20	3. TIME 1801	4. FILE NUMBER (b)(6) (b)(7)(C) (b)(3) 254-12-CID379-77688
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	6. SSN (b)(6) (b)(7)(C) (b)(3)	7. GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)	
8. ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)			

I, (b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(b)(6) (b)(7)(C) (b)(3) following actions were performed in collecting the hard drives that 1LT Clint Lorange used:

1. I collected the SIPR, NIPR, and CXI hard drives from his primary workstation which was located inside the CTF FURY TOC in FOB Pasab, Afghanistan.
2. (b)(6) (b)(7)(C) (b)(3) hard drive on a Kanguru Clone HD duplicator and conducted a whole disk bit copy of the hard drive.
3. (b)(6) (b)(7)(C) (b)(3) observed the cloning process from start to finish.
4. Once the clone process was finished, (b)(6) (b)(7)(C) (b)(3) the hard drives to (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) following questions were asked by (b)(6) (b)(7)(C) (b)(3) and I provided the answers:

Q: (b)(6) (b)(7)(C) (b)(3)
A: (b)(6) (b)(7)(C) (b)(3)

Q: Were the hard drives in your possession the entire time until they were released to (b)(6) (b)(7)(C) (b)(3)
A: Yes.

Q: Did you record the BIOS time on any of the computers when the hard drives were removed?
A: No.

Q: Who requested you to obtain the hard drives?
A: (b)(6) (b)(7)(C) (b)(3) was discussing taking the hard drives with (b)(6) (b)(7)(C) (b)(3) while I was present. I told them I would obtain the hard drives. I obtained the hard drives and provide them to (b)(6) (b)(7)(C) (b)(3)

Q: Are there any passwords for the hard drives?
A: Yes there is a local admin password and I do not know what it is.

Q: How can we obtain the password?
A: You can talk to Joint Network Command Control - Afghanistan (JNCC-A) who controls the computer network in Afghanistan and they would be able to give the local admin password.

(b)(6) (b)(7)(C) (b)(3)

Q: Is there anything you wish to add to this statement?
A. No.///END OF STATEMENT/// (b)(6) (b)(7)(C) (b)(3)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 3 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 INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT (b)(6) (b)(7)(C) (b)(3) DATED 2012/07/20

0 2 5 4 - 1 2 - C I D 3 7 9 - 7 7 6 8 8

9. STATEMENT (Continued)

NOT USED

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGES

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

DATED 2012/07/20

9. STATEMENT (Continued)

0254-12-CID379-77688

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

_____, 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

(b)(6) (b)(7)(C) (b)(3)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of July 2012

at

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

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) (b)(3)	D. (b)(6) (b)(7)(C) (b)(3) 20 Jul 2012 2009	FILE NUMBER 0254-12-CID379-77688
LAST NAME FIRST NAME MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER (b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During the past five months (b)(6) (b)(7)(C) (b)(3) 28 of which have been emplaced IEDs. I have worked with multiple companies (b)(6) (b)(7)(C) (b)(3) to ensure that safety of all personnel involved in an IED event. It is the normal TTP for units to either mark and bypass a suspected IED; or request EOD support if it halts the mission. Over the past two months with the Afghan National Security Forces (ANSF) taking the lead they have shown a tendency to tear IEDs out of the ground by hand when they are found. All US personnel that I have operated with have advised the ANSF that this is a bad TTP and that it will likely get them killed or injured. In every situation I have been in the Coalition Forces (CF) have made every attempt to ensure the safety of civilians, CF and ANSF alike. I have had ANSF ask me if they could shoot the IED with a rocket propelled grenade (RPG) and have repeatedly told them that it is a bad idea. I have never seen any of them seriously attempt this technique and it has always seemed that they were joking. With the push for the ANSF to continually take the lead for the impending troop withdrawal the ANSF are doing more things that are not in keeping with CF TTP. In every instance it has been the CF recommendation to conduct the mission in the safest possible manner. As we progress further into the ANSF having control of their country they will do as they see fit and the most we can do is advise them. I saw it in Iraq and I am seeing it here. It is not a bad thing, it is the way that the Afghan's want to run their country and it is their right. We will continue to advise in the conducting operations in the safest possible manner but they are not forced to listen.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: Did you type the above narrative?

A: Yes.

Q: Is it in your own words?

A: Yes.

Q: Are the U.S. Soldiers trained to have ANSF shoot RPG's and suspected IEDs?

A: No. It's not safe. We stress safety in everything and want to conduct the safest mission possible. There is the possibility that the IED could become more sensitive and not actually detonate. This would only make it more hazardous for EOD or Engineers to reduce it later.

Q: Are there any directive or guidance against this practice?

A: There are not any written directives that I am aware of; however, when I provide training I direct units to call EOD or have the engineers blow it in place. EOD personnel are trained in conducting small arms munitions disruption (SMUD), but we don't even do that very often. It's extremely rare and we do not do it with IED's. There is no way it is recommended for U.S. Troops to have ANSF do it with an RPG.

Q: In your experience, has a U.S. Soldier in charge of a patrol authorized and/or recommended ANSF shoot a RPG at a suspected IED?

A: Definitely not. We are supposed to prevent them from shooting RPG's, not recommend they do it. They tend to be crazy with RPG's and they don't check their back blast area. We discourage them from shooting them in general.

Q: What training do the platoons receive in regards to IED's and defeating IED's?

A: The training they get is counter-IED training and are taught to recognize the IED, then either call EOD, or mark and bypass the IED. When I give the training I stress verify strongly that they don't need to dig it up or defeat it in anyway. They receive the counter IED training when they arrive in country and again if their unit/patrol strikes an IED.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

0254-12-CID379-77688

DATED 25 July 2012 CONTINUED:

(b)(6) (b)(7)(C) (b)(3) STATEMENT (Continued)

What are US Forces authorized to do when it comes to IED's?

A: They are authorized to mark and bypass, or call EOD or Engineers forward. The engineers are allowed to blow the IED's in place. They are also allowed to verify it's an IED and place a counter charge. The non-Engineer/non-EOD soldiers are not authorized to do anything to the IED except mark and bypass, or request support from EOD or Engineers.

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

A: No.///END OF STATEMENT (b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF (b)(6) (b)(7)(C) (b)(3) REWARD OR FEAR OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

(Signature of Person Administering Oath)
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of July, 2012.

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

10 USC § 936

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 2 PAGES

Exhibit 90

Page(s): 000323 thru 000324

Withheld

Third Party Information
Not Reasonably Segregable
5 U.S.C., Section 552,
Exemptions (b)(6) and (b)(7)(C)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

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

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

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

1. LOCATION (b)(6) (b)(7)(C) (b)(3)	2. DATE (YYYYMMDD) 2012/07/25	3. TIME	4. FILE NUMBER 0254-12-CID379-77688
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	6. SSN (b)(6) (b)(7)(C) (b)(3)	7. GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)	
8. ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)			

I, (b)(6) (b)(7)(C) (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On July 2, 2012 following a patrol into the village of Sarenzai, there were civilian casualties and a BDA was conducted on the casualties. 1LT Lorance told me upon returning from the patrol while I was placing the detainees in the SEEK at SP Payenzai, that I should be sure to state when I did my CoIST report that we could not perform a BDA because the bodies were removed before we could get to them. This is the same statement that he made to the RTO during the patrol shortly after the individuals were shot by the SBF truck. I did recover the personal effect of the casualties from (b)(6) (b)(7)(C) (b)(3) who did go to the bodies and searched them finding the personal effects.///END OF STATEMENT///

10. EXHIBIT	11. INITIALS (b)(6) (b)(7)(C) (b)(3) NG STATEMENT	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT (b)(6) (b)(7)(C) (b)(3) DATED 2012/07/25

0254-12-CID379-77688

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGES

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

TAKEN AT

(b)(6) (b)(7)(C) (b)(3)

DATED 2012/07/25

9. STATEMENT (Continued)

0254-12-CID379-77688

AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3), 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)(3)

(Signature of Person Making Statement)

WITNESSES:

(b)(6) (b)(7)(C) (b)(3)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of July, 2012 at (b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

PAGE 3 OF 3 PAGES

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: (Name and Organization of the person to whom authorized search is directed)

(b)(6) (b)(7)(C) (b)(3)

(An affidavit (A sworn or unsworn oral statement) having been made before me by

(b)(6) (b)(7)(C) (b)(3)

(Name of Affiant)

(b)(6) (b)(7)(C) (b)(3)

(Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located ~~(on the person)~~ (at the place) to be searched, you are hereby ordered to search the ~~(person)~~ (place) known as

four hard drives collected by (b)(6) (b)(7)(C) (b)(3) and documented on the Evidence/Property Custody Documents

for the property described as any text, graphics, electronic mail, messages, images, videos, chat logs, instant messenger (IM) logs, (b)(6) (b)(7)(C) (b)(3)

CLINT A (b)(6) (b)(7)(C) (b)(3)

☒ documents or files that were accessed, prepared, and/or presented by 1LT LORANCE that are related to Rules of Engagement

and any notes, documents or materials related to the engagement that occurred on 2 Jul 12.///

bringing this order to the attention of the ~~(person searched)~~ (person in possession, if any person be found at the place or on the premises searched) The search will be made in the ~~(daytime)~~ (nighttime) and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

(b)(6) (b)(7)(C) (b)(3)

(Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

Dated this 27 day of July, 2012.

TYPED NAME AND GRADE OF AUTHORIZING OFFICIAL

(b)(6) (b)(7)(C) (b)(3)

DUTY POSITION OF AUTHORIZING OFFICIAL

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OF AUTHORIZING OFFICIAL

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE OF AUTHORIZING OFFICIAL

(b)(6) (b)(7)(C) (b)(3)

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is (b)(6) (b)(7)(C) (b)(3) of Staff for Personnel.

LOCATION (b)(6) (b)(7)(C) (b)(3)	DATE 28 Jul 2012 16:51	FILE NUMBER 0254-12-CID379-77688
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER (b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)		

(b)(6) (b)(7)(C) (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the night of 1 July 2012, 1st Platoon Chainsaw Troop 4-73 CAV had a pre mission brief in the TOC with all of the key leaders for the next day's mission. Those personnel included me, (b)(6) (b)(7)(C) (b)(3) and 1LT Lorange. During the pre mission brief we discussed our task and purpose and our route selection. During the task and purpose phase of the discussion, 1LT Lorange brought up the notion of doing a "Shock and Awe" theme. Basically that entitled being aggressive and if necessary physical with the locals. (b)(6) (b)(7)(C) (b)(3) for the mission so (b)(6) (b)(7)(C) (b)(3) came to clearing the buildings after the ANA forces, he wanted (b)(6) (b)(7)(C) (b)(3) to corral the civilians into the street and if they wouldn't cooperate we were to "take them down and drag their ass to wherever you want them". After 1LT Lorange revealed these intentions for the mission, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) voiced their concerns about this. They told him that this is not how we operate, this isn't the right thing to do, and that this would put our soldiers in an uncomfortable environment. After they had finished their arguments, 1LT Lorange said "well that's fine, but this is what I want done and this is how we are going to do it. We need to show these people that this is our AO and we are not here to fuck around, we want them to fear us". On the morning of 2 July 2012, we conducted our mission SP at 0700. During the mission before the second engagement had occurred, our platoon RTO, (b)(6) (b)(7)(C) (b)(3) had received a transmission from higher saying that (b)(6) (b)(7)(C) (b)(3) and that they were about to engage ISAF forces. Normally when any information on (b)(6) (b)(7)(C) (b)(3) traffic comes over the net, the RTO reports it to the PL, and then the PL relays it to the PSG or does a net call and lets the PSG and the squad leaders know at the same time. This helps us with taking appropriate actions to make sure our soldiers and ourselves are safe and ready for anything. However, on this mission that didn't happen. When (b)(6) (b)(7)(C) (b)(3) received the transmission, he reported it straight to the PL. But after that the information never got passed down. The only reason I knew about the traffic was because I just happened to be right next to (b)(6) (b)(7)(C) (b)(3) at the time it came over the net. Then the engagement happened and the (b)(6) (b)(7)(C) (b)(3) left for the Support by Fire position to get a SITREP. But for some reason we couldn't reach him or (b)(6) (b)(7)(C) (b)(3) on the radios. There seemed to be interference about halfway through the village. Before (b)(6) (b)(7)(C) (b)(3) had left the assault squad to go to the SBF, we had perfect communication with him. But as soon as he crossed that midway point, we lost all contact until later in the mission when we linked back up with them at the SBF location.

Q: (b)(6) (b)(7)(C) (b)(3)
A: (b)(6) (b)(7)(C) (b)(3)
Q: Did you type the above narrative?
A: Yes.
Q: Is it in your own words?
A: Yes.
Q: Is the map of engagement 1 accurate?
A: The order of movement is accurate, but I would say we were a little farther along when (b)(6) (b)(7)(C) (b)(3) shot at the bike than what is depicted. ANA was approximately 15-25 meters from the road when shots were fired.
Q: How long after (b)(6) (b)(7)(C) (b)(3) fired did (b)(6) (b)(7)(C) (b)(3) fire?
A: Roughly one minute, two minutes at the most.
Q: How much time elapsed from the time (b)(6) (b)(7)(C) (b)(3) fired his first shot, until he fired his last?
A: Roughly 30 seconds to 1 minute.
Q: Describe (b)(6) (b)(7)(C) (b)(3) engagement?
A: Engaged the 3 men on the motorcycle with 2 single shots that missed. His third shot took out the fire (b)(6) (b)(7)(C) (b)(3)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

DATED 28 July 2012 CONTINUED:

(b)(6) (b)(7)(C) (b)(3) STATEMENT OF (b)(6) (b)(7)(C) (b)(3)

STATEMENT (Continued)

casualty. Then as the civilians were conversing on what to do with the dead man, they turned to start making their way for the village when he engaged with another 2 single shots and hit the second casualty.

Q: Where was the first casualty at when he was engaged?

A: He was sitting on the motorcycle.

Q: Where was the second casualty when he was engaged?

A: He was standing beside the bike.

Q: Do you know who wrote revenge for (b)(6) (b)(7)(C) (b)(3) the dry erase board?

A: No I don't know who wrote it. I believe it was LT LORANCE because he referenced (b)(6) (b)(7)(C) (b)(3) during the mission pre-brief.

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

A: No.///END OF STATEMENT (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C) (b)(3)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of July, 2012, at

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC § 936

(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

PAGE 1 OF 5 PAGES

DETAILS

About 1030, 29 Jul 12, (b)(6) (b)(7)(C) (b)(3) contacted Mr. (b)(6) (b)(7)(C) (b)(3) who related he was the owner of the motorcycle that was shot in the fuel tank. Mr. (b)(6) (b)(7)(C) (b)(3) related he would go to SP Payenzai for an interview on 30 Jul 12 and bring the fuel tank with him. He further stated was not the person in the field that was shot at multiple times and did not know who it was.

About 1052, 30 Jul 12, (b)(6) (b)(7)(C) (b)(3) interviewed Mr. (b)(6) (b)(7)(C) Son of (b)(6) (b)(7)(C) (b)(6) (b)(7)(C), cell phone (b)(6) (b)(7)(C) who related he owned the motorcycle that was shot on 1 Jul 12. He related he was walking from his field to his house, with his motorcycle parked near a tree, when shots were fired. He was approximately 45 meters from his motorcycle when it was shot. He was not directly shot at. He fixed his motorcycle and it cost him 10,000 AFS. The day after the shooting he went to the ECP at SP Payenzai to discuss the shooting, and was told they would look into it by LT LORANCE. He was unable to travel for a few days until his motorcycle was fixed.

AGENT'S COMMENT: Mr. (b)(6) (b)(7)(C) was in the field during the shooting, but does not know if he was shot at. He also did not know his real name.

About 1125, 30 Jul 12, (b)(6) (b)(7)(C) (b)(3) exposed photographs of the fuel tank Mr. (b)(6) (b)(7)(C) stated was shot by U.S. Soldiers at SP Payenzai. (See CD containing photographs)

AGENT'S COMMENT: Mr. (b)(6) (b)(7)(C) would not authorize this agent to collect the fuel tank as evidence as this agent was unable to provide compensation for it.

About 1800, 31 Jul 12, (b)(6) (b)(7)(C) (b)(3) collected the sheet of paper that contained the handwritten notes between (b)(6) (b)(7)(C) (b)(3) and 1LT LORANCE from the case file. (See EPCD)

About 1615, 3 Aug 12, (b)(6) (b)(7)(C) (b)(3) contacted (b)(6) (b)(7)(C) (b)(3) who stated he remembered the meeting he held with his leaders on 1 Jul 12. (b)(6) (b)(7)(C) (b)(3) stated he normally conducts nightly meetings at 2100 with his leaders. He stated his leaders included (b)(6) (b)(7)(C) (b)(3) and normally his Platoon Leaders. (b)(6) (b)(7)(C) (b)(3) stated during the meeting on 1 Jul 12, he discussed use of force and proportionate return fire. He stated he briefed the use of force because he learned the patrol on 1 Jul 12, received fire from and AK-47 and the patrol responded with a MK 19. (b)(6) (b)(7)(C) (b)(3) also stated he provided ROE training to his unit in June 2012 at COP Ghariban. (b)(6) (b)(7)(C) (b)(3) stated the training was sent via a FRAGO from the Squadron Commander. The FRAGO contained a link to the Brigade Legal webpage. The information detailed warning shots, ISAF ROE other scenario based training. (b)(6) (b)(7)(C) (b)(3) stated he could not elaborate on the information that was contained in the FRAGO since it was so long ago. (b)(6) (b)(7)(C) (b)(3) stated he briefed all of his Platoon Leaders on the information and printed it out and provided it to all the Platoon Sergeants to disseminate. (b)(6) (b)(7)(C) (b)(3) stated he did not remember anything about the

(b)(6) (b)(7)(C) (b)(3), (b)(7)(E) SEQUENCE NUMBER

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE (b)(6) (b)(7)(C) (b)(3)

DATE

13 Aug 12

EXHIBIT

94

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

1 Jul 99

000331

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

PAGE 2 OF 5 PAGES

DETAILS

Taliban meeting and did not remember providing it to anyone. He stated that if he received that information he would have passed it over the radio and he did not remember providing that to anyone.

About 1315, 7 Aug 12, (b)(6) (b)(7)(C) (b)(3) made contact with (b)(6) (b)(7)(C) (b)(3) Administration, Regional Command (South), KAF, who stated he had the personal folder (PST) file ready for (b)(6) (b)(7)(C) (b)(3) provided a copy of the PST file to (b)(6) (b)(7)(C) (b)(3) created a file on the server and placed the 1LT LORANCE PST file inside it. (b)(6) (b)(7)(C) (b)(3) copied the file from the server. (b)(6) (b)(7)(C) (b)(3) copied the PST file to a disk and to the shared drive. (See PST File disc)

About 1342, 7 Aug 12, (b)(6) (b)(7)(C) (b)(3) conducted a follow-up interview with (b)(6) (b)(7)(C) (b)(3) via telephone. (b)(6) (b)(7)(C) (b)(3) stated the patrol saw the two military aged males (MAMs) walking in the grape rows. The patrol watched the MAMs for a while and noticed they were acting suspiciously. (b)(6) (b)(7)(C) (b)(3) stated the MAMs were walking very low in the grape rows. They only raised their heads for a moment then continued walking low in the grape rows. (b)(6) (b)(7)(C) (b)(3) stated (b)(6) (b)(7)(C) (b)(3) called out one of the MAMs had ICOMs and they were engaged. (b)(6) (b)(7)(C) (b)(3) stated he was certain (b)(6) (b)(7)(C) (b)(3) called out that one of the MAMs had ICOMs.

About 1350, 7 Aug 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who stated the only way to view the e-mails was to export the files to (b)(6) (b)(7)(C) (b)(3) exchange e-mail (b)(6) (b)(7)(C) (b)(3) exported the PST files and reviewed them. (b)(6) (b)(7)(C) (b)(3) located several e-mails in the inbox, numerous deleted e-mails and numerous sent e-mails. (b)(6) (b)(7)(C) (b)(3) obtained numerous e-mails from the deleted mailbox and the sent mailbox that pertained to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) The e-mails detail the relationship and breakup during 1LT LORANCE's deployment. (b)(6) (b)(7)(C) (b)(3) also located a recommendation for the Bronze Star Medal award, Officer Evaluation Report pertaining to 1LT LORANCE, a biography prepared by 1LT LORANCE, and an Officer Record Brief of 1LT LORANCE. As (b)(6) (b)(7)(C) (b)(3) printed out the e-mails it was discovered (b)(6) (b)(7)(C) (b)(3) header information was posted to the top of all the e-mails but all the information on each e-mail was unchanged. (See E-Mails)

About 1355, 7 Aug 12, (b)(6) (b)(7)(C) (b)(3) conducted a follow-up interview with (b)(6) (b)(7)(C) (b)(3) via telephone. (b)(6) (b)(7)(C) (b)(3) stated he was on the guard tower with 1LT LORANCE when they were conducting the harassing fire. They heard the Afghan National Army (ANA) firing and 1LT LORANCE told (b)(6) (b)(7)(C) (b)(3) to go find out what they were shooting at. (b)(6) (b)(7)(C) (b)(3) left the tower and went to the ANA. He could not tell who or what they were shooting at. (b)(6) (b)(7)(C) (b)(3) stated he asked the ANA what they were shooting at and he heard one of them say something and he interpreted it as "Taliban." (b)(6) (b)(7)(C) (b)(3) stated he did not know who was shooting or which one of them said they were shooting at the Taliban.

About 1423, 7 Aug 12, (b)(6) (b)(7)(C) (b)(3) conducted a follow-up interview with (b)(6) (b)(7)(C) (b)(3) via telephone. (b)(6) (b)(7)(C) (b)(3) stated he heard gunshots from the ANA tower and knew it was the ANA's since he

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b)(7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

13 Aug 12

EXHIBIT

94

CID FORM 94

1 Jul 99

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000332

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS

recognized the Remington 700 rifle as it makes a distinctive sound when fired (b)(6) (b)(7)(C) (b)(3) estimated the ANA's shot about ten rounds and he did not know what they were shooting at (b)(6) (b)(7)(C) (b)(3) stated he yelled up to the ANA's and heard one of them say they saw something on the northeast side of the village. (b)(6) (b)(7)(C) (b)(3) stated he could not remember which ANA he spoke with. (b)(6) (b)(7)(C) (b)(3) also stated he could not remember if (b)(6) (b)(7)(C) (b)(3) was with him in the Tactical Operations Center and that he did not report the "pot shots." (b)(6) (b)(7)(C) (b)(3) stated he was unaware if the pot shots were reported but was certain they were not reported over the radio.

About 1534, 7 Aug 12 (b)(6) (b)(7)(C) (b)(3) conducted a follow-up interview with (b)(6) (b)(7)(C) (b)(3) via telephone. (b)(6) (b)(7)(C) (b)(3) stated he was not at the 2 Jul 12, pre-mission brief and stated he was instructed by 1LT LORANCE of the changes to the ROE while they were on patrol. (b)(6) (b)(7)(C) (b)(3) stated about ten or fifteen minutes into the mission 1LT LORANCE broadcasted over the radio that, bikes (motorcycles) coming from Mosum Guhl to the city will be treated as a threat. (b)(6) (b)(7)(C) (b)(3) did not know what channel of the radio he used but knew that it was 1LT LORANCE that was issuing the orders. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE did not want motorcycles in the area.

About 1207, 8 Aug 12 (b)(6) (b)(7)(C) (b)(3) contacted (b)(6) (b)(7)(C) (b)(3) and re-interviewed him via telephone. (b)(6) (b)(7)(C) (b)(3) stated he was assigned as the truck commander where (b)(6) (b)(7)(C) (b)(3) was the driver and (b)(6) (b)(7)(C) (b)(3) was the gunner. (b)(6) (b)(7)(C) (b)(3) stated he positioned the vehicle on Route Cornerbrook and provided over-watch security for the patrol. (b)(6) (b)(7)(C) (b)(3) had a radio but could not remember any specific radio traffic. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE spotted a motorcycle and notified him via radio. (b)(6) (b)(7)(C) (b)(3) located the motorcycle as it stopped by several trees. (b)(6) (b)(7)(C) (b)(3) thought the motorcycle rider may have been talking to someone but he did not see anyone. The motorcycle rider left the trees and headed to (b)(6) (b)(7)(C) (b)(3) position. 1LT LORANCE told (b)(6) (b)(7)(C) (b)(3) to interdict and he made contact with the rider. (b)(6) (b)(7)(C) (b)(3) exited the vehicle with (b)(6) (b)(7)(C) (b)(3) and they held the motorcycle rider until 1LT LORANCE came to his location. 1LT LORANCE arrived at (b)(6) (b)(7)(C) (b)(3) location and took control of the motorcycle rider and also loaded the motorcycle in the vehicle. (b)(6) (b)(7)(C) (b)(3) stated he did not receive any special instructions and stated his Rule of Engagement were the same as before 1LT LORANCE came to the platoon. (b)(6) (b)(7)(C) (b)(3) stated you must have positive identification on anything before engagement. Additionally, (b)(6) (b)(7)(C) (b)(3) stated no warning shots were authorized. (b)(6) (b)(7)(C) (b)(3) stated he was also on the mission where the possible improvised explosive device (IED) was located. The Afghan National Army (ANA) detected a possible IED and 1LT LORANCE arranged for the ANA to have the IED deactivated by using a rocket propelled grenade (RPG). (b)(6) (b)(7)(C) (b)(3) was not nearby and was unaware if 1LT LORANCE ordered the ANA to utilize the RPG or not. (b)(6) (b)(7)(C) (b)(3) asked (b)(6) (b)(7)(C) (b)(3) if he spoke to 1LT LORANCE about Rules of Engagement (ROE) and he said 1LT LORANCE approached him on the tower while he was on guard and questioned him about ROEs. 1LT LORANCE asked (b)(6) (b)(7)(C) (b)(3) questions like if someone was approaching the concertina wire what would he do. Additionally, 1LT LORANCE asked what he would do if he saw someone with ICOMs and (b)(6) (b)(7)(C) (b)(3)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b)(7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

DATE

DATE

13 Aug 12

EXHIBIT

94

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1 Jul 99

000333

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS

told him that they needed positive identification or confirmation of Wolfhound traffic before they engaged the target.

About 1225, 8 Aug 12, (b)(6) (b)(7)(C) (b)(3) contacted (b)(6) (b)(7)(C) (b)(3) and re-interviewed by telephone. (b)(6) (b)(7)(C) (b)(3) stated while on the mission where the possible IED was located 1LT LORANCE changed the mission from a patrol to clearing a small town. (b)(6) (b)(7)(C) (b)(3) stated the ANA located a possible IED in a doorway. (b)(6) (b)(7)(C) (b)(3) XXX- (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) cleared the possible IED and informed (b)(6) (b)(7)(C) (b)(3) and 1LT LORANCE it was not an IED 1LT LORANCE stated they were going to blow it in place anyway. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE asked him what was the standard makeup of an IED in the area and he informed him it was seven or eight liters of explosive per IED. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE reported the IED as a thirty pound explosive with a pressure plate. (b)(6) (b)(7)(C) (b)(3) stated he participated in the patrol on 1 Jul 12. The patrol encountered small arms fire (SAF) once the patrol was complete and they were located at the entry control point (ECP). (b)(6) (b)(7)(C) (b)(3) was unaware how many SAFs they received. On the 2 Jul 12 patrol, (b)(6) (b)(7)(C) (b)(3) stated they did not receive any SAF.

About 1240, 8 Aug 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who stated he was on the patrol where the IED was discovered. (b)(6) (b)(7)(C) (b)(3) stated the ANA were running the Minehound when the suspected IED was discovered. (b)(6) (b)(7)(C) (b)(3) stated the ANA operated machine and received a confirmation of a possible IED. (b)(6) (b)(7)(C) (b)(3) stated he approached the possible IED and determined it was a large metal object that was used to secure a metal gate to the ground. (b)(6) (b)(7)(C) (b)(3) stated there was hardened dirt covering the structure and it did not have any secondary indicators to identify it as an IED. (b)(6) (b)(7)(C) (b)(3) stated after confirming it was not an IED he stepped on it to demonstrate it was not an IED. (b)(6) (b)(7)(C) (b)(3) stated he informed 1LT LORANCE that it was not an IED and 1LT LORANCE told him he was going to blow it in place anyway. (b)(6) (b)(7)(C) (b)(3) was upset with 1LT LORANCE's decision and said, "I called him a fucking idiot." (b)(6) (b)(7)(C) (b)(3) walked away and 1LT LORANCE spoke with the ANA then later an RPG was fired at the metal structure.

About 1248, 8 Aug 12, (b)(6) (b)(7)(C) (b)(3) re-interviewed (b)(6) (b)(7)(C) (b)(3) and re-interviewed by telephone. (b)(6) (b)(7)(C) (b)(3) stated he was the Forward Observer during the engagements and it was his responsibility to make sure all the assets were being used correctly. (b)(6) (b)(7)(C) (b)(3) stated that he did not receive and small arms fire and was not aware of any other members of the patrol that received small arms fire. (b)(6) (b)(7)(C) (b)(3) stated he had a radio but did not remember any specific radio traffic on the engagements. (b)(6) (b)(7)(C) (b)(3) asked (b)(6) (b)(7)(C) (b)(3) if 1LT LORANCE inquired about the response time for the Explosive Ordnance Disposal (EOD) team and he said that 1LT LORANCE did ask him when he first arrived at SP Payenzai and (b)(6) (b)(7)(C) (b)(3) told him they have a long response time.

About 2025, 8 Aug 12, (b)(6) (b)(7)(C) (b)(3) contacted (b)(6) (b)(7)(C) (b)(3) and re-interviewed by telephone. (b)(6) (b)(7)(C) (b)(3) stated during the harassing fire the ANA were firing from their tower and they fired about three rounds. (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3), (b)(7)(E) SEQUENCE NUMBER

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

13 Aug 12

EXHIBIT

94

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000334

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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DETAILS

(b)(6) (b)(7)(C) (b)(3) stated he believed only one person was shooting and he was unaware of what there were shooting at. During the engagements, (b)(6) (b)(7)(C) (b)(3) stated he was on a truck located at Route Cornerbrook. 1LT LORANCE informed them over the radio to be looking for a motorcycle but (b)(6) (b)(7)(C) (b)(3) stated there were numerous motorcycles in the area. 1LT LORANCE informed them to be watching for a motorcycle that emerged from the red smoke that was marked by the Close Combat Air support. (b)(6) (b)(7)(C) (b)(3) stated he reported up about four or five motorcycles in the area but did not received a reply from 1LT LORANCE. (b)(6) (b)(7)(C) (b)(3) stated they located a motorcycle leaving the area that was marked by red smokes and detained the motorcycle rider. 1LT LORANCE arrived at his location and retrieved the rider and motorcycle. (b)(6) (b)(7)(C) (b)(3) stated he did not receive any orders to engage any of the motorcycles over the radio.

(b)(6) (b)(7)(C) (b)(3)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

For

(b)(6) (b)(7)(C) (b)(3)

DATE

13 Aug 12

EXHIBIT

94

CID

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

000335

0254-12-CID379-77688

For Official Use Only
Law Enforcement Sensitive

[Gas Tank Photographic Packet with
Index
(CRC)

For Official Use Only
Law Enforcement Sensitive

Exhibit 95



(b)(6) (b)(7)(C) (b)(3)



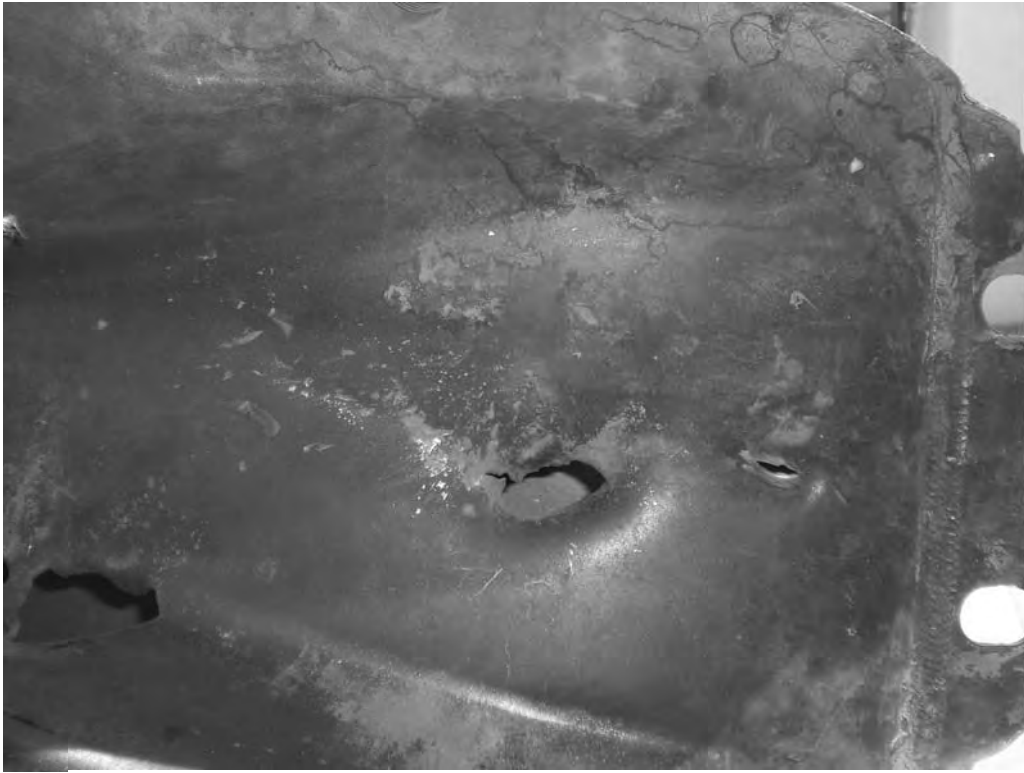












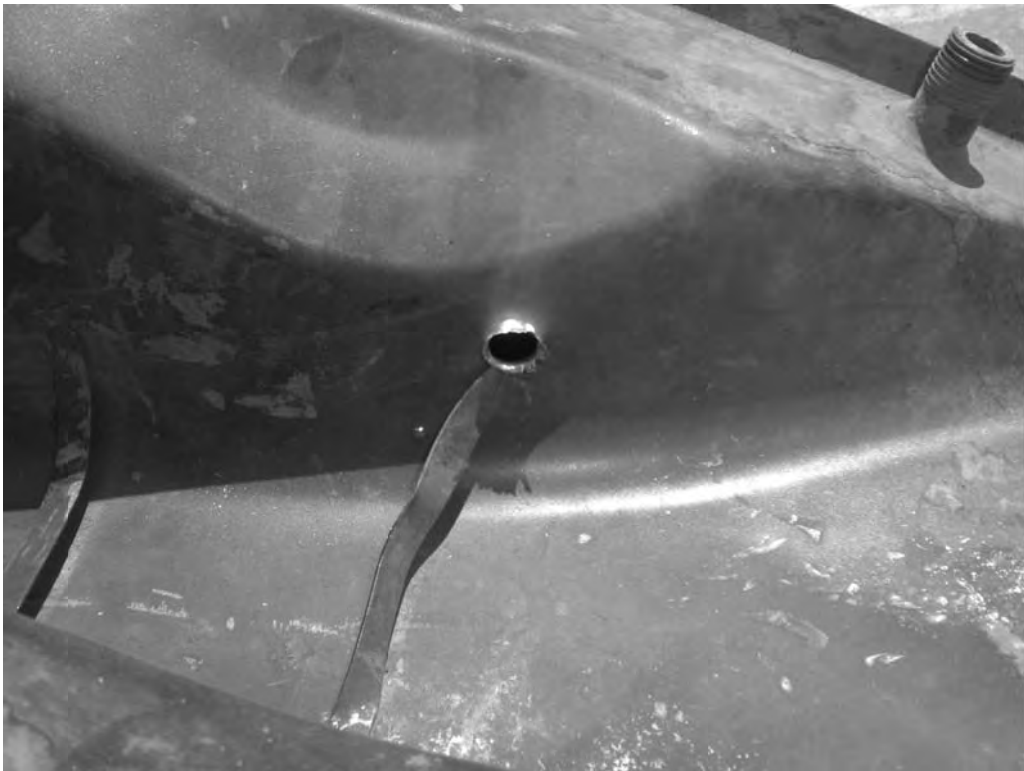


Exhibit 96

Page(s): 000346 thru 000375

Withheld

Third Party Information
Not Reasonably Segregable
5 U.S.C., Section 552,
Exemptions (b)(6) and (b)(7)(C)

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

PAGE 1 OF 1 PAGES

DETAILS

About 1230, 14 Aug 12, (b)(6) (b)(7)(C) (b)(3) obtained the medical records of (b)(6) (b)(7)(C) (b)(3) from Role 3, Kandahar Afghanistan, APO AE 09355, which detail the injuries of (b)(6) (b)(7)(C) (b)(3). Further documented was the unwillingness to cooperate from (b)(6) (b)(7)(C) (b)(3) (See Medical Report)

About 1245, 14 Aug 12, (b)(6) (b)(7)(C) (b)(3) obtained the mental health records for 1LT LORANCE from (b)(6) (b)(7)(C) (b)(3), which revealed an assessment from the presiding physician 1LT LORANCE was mentally fit for duty. . (See Mental Health Records)///LAST ITEM///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

14 Aug 12

EXHIBIT

97

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

000376

Exhibits 98 & 99

Page(s): 000377 thru 000397 referred to:

U.S. Army Medical Command
Attn: Privacy Act and Freedom of Information Office
2748 Worth Road, Suite 21
JBSA Fort Sam Houston, TX 78234-6021

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

ROI NUMBER

0254-12-CID379-77688

PAGE 1 OF 2 PAGE(S)

DETAILS

About 1857, 21 Aug 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided the Comprehensive Report pertaining to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) which revealed no derogatory information. (b)(6) (b)(7)(C) (b)(3) also provided the Officer Evaluation Report (OER), and Medical Records pertaining to 1LT LORANCE. A review of the medical records revealed no pertinent information. A review of the OER revealed no negative connotations. (See CD Containing OER, Medical Records, and Comprehensive Report)

About 1452, 24 Aug 12, (b)(6) (b)(7)(C) (b)(3) conducted a telephonic interview of (b)(6) (b)(7)(C) (b)(3) wherein he stated he normally held nightly meeting with personnel in his company. He stated he did not recall a meeting on 2 Jul 12, but did have a meeting on 1 Jul 12. (b)(6) (b)(7)(C) (b)(3) stated he had received a faulty report from 1LT LORANCE wherein he had reported a MK-19 was used to return small arms fire. (b)(6) (b)(7)(C) (b)(3) stated he was later informed the MK-19 was not used, but took the opportunity to explain the proper escalation of force to 1LT LORANCE. (b)(6) (b)(7)(C) (b)(3) stated on 2 Jul 12, 1LT LORANCE's platoon had come back from patrol with detainees. It was at this point (b)(6) (b)(7)(C) (b)(3) directed 1LT LORANCE to begin the in-processing of detainees. (b)(6) (b)(7)(C) (b)(3) was then informed by (b)(6) (b)(7)(C) (b)(3) what had happened on patrol. (b)(6) (b)(7)(C) (b)(3) stated he called (b)(6) (b)(7)(C) (b)(3) at strong point Panzy and instructed him to send all which were associated with the patrol to Garavan. (b)(6) (b)(7)(C) (b)(3) stated he began talking with (b)(6) (b)(7)(C) (b)(3) obtained the full story, and immediately informed his Executive Officer to begin an inquiry into the matter. (b)(6) (b)(7)(C) (b)(3) stated it took approximately one hour for the personnel to arrive at his location as he requested.

About 2007, 24 Aug 12 (b)(6) (b)(7)(C) (b)(3) conducted a telephonic interview of (b)(6) (b)(7)(C) (b)(3) wherein he stated after he made the call on 2 Jul 12, to the best of his recollection everyone from the patrol showed up to include (b)(6) (b)(7)(C) (b)(3) stated he believed everyone showed up as one big group except for the individuals who where in-processing the detainees. (b)(6) (b)(7)(C) (b)(3) stated upon the group's arrival him and (b)(6) (b)(7)(C) (b)(3) moved the group into the chow hall, and (b)(6) (b)(7)(C) (b)(3) explained what was needed from each individual, and he took sworn statements from the group all at the same time.

About 1047, 25 Aug 12 (b)(6) (b)(7)(C) (b)(3) conducted a telephonic interview of (b)(6) (b)(7)(C) (b)(3) who related the same thing (b)(6) (b)(7)(C) (b)(3) had stated. Being he was assigned as the initial investigating officer. (b)(6) (b)(7)(C) (b)(3) stated once (b)(6) (b)(7)(C) (b)(3) gave the order all e-5s and below arrived first, and he completed the interviews of them. (b)(6) (b)(7)(C) (b)(3) stated initially (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) did not arrive. (b)(6) (b)(7)(C) (b)(3) stated they arrived after the interview process was complete of the junior soldiers. (b)(6) (b)(7)(C) (b)(3) was not able to expound upon why they did not show up initially, but he believed they were discussing the issue with the Battalion Commander and (b)(6) (b)(7)(C) (b)(3) stated he took the statements of (b)(6) (b)(7)(C) (b)(3) and it was a general interview process. When asked if (b)(6) (b)(7)(C) (b)(3) gave a reason why they did not come immediately, (b)(6) (b)(7)(C) (b)(3) stated he did not inquire, and was more flexible with them being they were senior NCO's.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DATE

24 Sep 12

EXHIBIT

100

USE ONLY – LAW ENFORCEMENT SENSITIVE

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-12-CID379-77688

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

PAGE 2 OF 2 PAGE(S)

DETAILS

About 1405, 5 Sep 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who stated he needed a more specific date of when 1LT LORANCE's unit arrived into theater to be able to effectively find the sign in sheets for the classes provided (b)(6) (b)(7)(C) (b)(3) stated during the RSOI briefings the ROE is not formerly discussed. Stating only a brief mention of it, and how it is the responsibility of the Chain of Command to brief.

About 1430, 24 Sep 12, (b)(6) (b)(7)(C) (b)(3) received the DFE report from (b)(6) (b)(7)(C) (b)(3). A review of the documents revealed several documents pulled from the user name of 1LT LORANCE, including "Clint's Report of Awesomeness" and an ROE brief. (See CD and MFR containing DFE Findings)///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

24 Sep 12

EXHIBIT

100

CID FORM 94 FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

(Automated) Contents cannot be released outside law enforcement or Department of the Army channels without the approval of the Commanding Officer, CIDC 000399



REPLY TO
ATTENTION OF:

FOR OFFICIAL USE ONLY 0254-12-CID379-77688
Law Enforcement Sensitive
DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
19TH MILITARY POLICE BATTALION (CID)
CAMP ARIFJAN, KUWAIT, APO AE 09366

CIRF-BZN-ZA-DFE

18 Sep 12

MEMORANDUM FOR Special Agent-in-Charge, Kandahar CID Office, Kandahar Air Field, Afghanistan, APO AE 09355.

SUBJECT: Report of Investigation: 0254-12-CID379-77688
Computer Analysis File: 0067-12-CID019

1. EXECUTIVE SUMMARY:

a. BASIS FOR INVESTIGATION: On 31 Jul 12, this office received a request from the Kandahar CID Office to examine digital evidence pertaining to a possible Rules of Engagement violation committed by 1LT Clint A. LORANCE, XXX (b)(6) (b)(7)(C) (b)(3) C Troop, 4th Squadron, 73rd Cavalry Regiment, Kandahar Air Field, Afghanistan, APO AE 09355 (KAF).

b. On 27 Jul 12, (b)(6) (b)(7)(C) (b)(3) provided consent to seize and examine four hard drives collected as evidence related to a possible Rules of Engagement violation.

c. On 18 Sep 12, the undersigned completed a forensic examination of the submitted media.

2. EVIDENCE EXAMINED:

a. Item 1, Document Number (DN) 785-12, Toshiba Hard Disc Drive (HDD), 250GB, S/N: 51ACT31PT.

b. Item 1, DN 786-12, Western Digital, 160GB, HDD, S/N: WXF0AC938393.

c. Item 2, DN 786-12, Western Digital, 160GB, HDD, S/N: WXF0AC938741.

d. Item 3, DN 786-12, Seagate, 320GB, HDD, S/N: 5VJ9QE1J.

3. EQUIPMENT/SOFTWARE UTILIZED:

- a. Encase Version 6.19.4
- b. Internet Evidence Finder, Version 5.5
- c. Microsoft Office 2007
- d. VLC Media Player 2.0.3
- e. OSForensics V1
- f. Tableau TD1 Imager, S/N: 11D1303C.

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Page 1 of 3
Initials (b)(6) (b)(7)(C) (b)(3)

EXHIBIT 101
000400

CIRF-BZN-ZA-DFE

SUBJECT: Report of Investigation: 0254-12-CID379-77688
Computer Analysis File: 0067-12-CID019

- g. Tableau TD1 Imager, S/N:01D130bE.
- h. Register Ripper V.202.

4. DETAILED FINDINGS:

a. Item 1, DN 785-12:

Examination of Item 1 revealed the operating system to be Windows 7 Enterprise. The registry indicated several user profiles, including a profile for (b)(6) (b)(7)(C) (b)(3). This computer was identified as U.S Government Non-Secured Internet Protocol Router (NIPR) computer. The time zone was set to Afghanistan Standard Time (AST). A virus/malware scan was conducted, which revealed no malware or viruses.

Examination of all documents revealed the following files which may be relevant to this investigation.

A document titled (b)(6) (b)(7)(C) (b)(3) with a creation date of 3 Jul 12, under the user profile (b)(6) (b)(7)(C) (b)(3) which described actions involving civilian individuals on motorcycles being engaged during a sweep of a village.

A sworn statement (DA Form 2823) titled (b)(6) (b)(7)(C) (b)(3) with a creation date of 7 Jul 12, under user profile (b)(6) (b)(7)(C) (b)(3) which described actions involving civilian individuals on motorcycles being engaged during a sweep of a village.

Several documents classified as "Secret", under the user profile (b)(6) (b)(7)(C) (b)(3)

Examination of Link Files revealed the following:

Link Files associated with the documents (b)(6) (b)(7)(C) (b)(3) showed a last accessed date of 7 Jul 12.

Link Files: Are pointers to devices or actual files that contain data. Windows creates link files automatically when files are accessed by the user. Link files can be use to determine what files were accessed during a specific time.

A review of the recent documents accessed by user (b)(6) (b)(7)(C) (b)(3) revealed the last documents accessed by the user were (b)(6) (b)(7)(C) (b)(3) with a last written date of 7 Jul 12.

b. Item 1, DN 786-12:

Examination of Item 1 revealed the operating system to be Windows 7 Enterprise. The registry indicated several user profiles, including a profile for (b)(6) (b)(7)(C) (b)(3). This computer was identified as U.S Government Secured Internet Protocol Router (SIPR) computer. The time zone

CIRF-BZN-ZA-DFE

SUBJECT: Report of Investigation: 0254-12-CID379-77688
Computer Analysis File: 0067-12-CID019

was set to Afghanistan Standard Time (AST). A virus/malware scan was conducted, which revealed no malware or viruses were detected.

Examination revealed no items of evidentiary value.

c. Item 2, DN 786-12:

Examination of Item 2 revealed the operating system to be Windows 7 Enterprise. The registry indicated several user profiles, including a profile for (b)(6) (b)(7)(C) (b)(3). This computer was identified as a U.S. Government Secured Internet Protocol Router (SIPR) computer. The time zone was set to Afghanistan Standard Time (AST). A virus/malware scan was conducted, which revealed no malware or viruses were detected.

Examination of all documents revealed the following files which may be relevant to this investigation.

(b)(6) (b)(7)(C) (b)(3)

d. Item 3, DN 786-12:

Examination of Item 3 revealed the operating system to be Windows 7 Enterprise. The registry indicated several user profiles, including a profile for (b)(6) (b)(7)(C) (b)(3). This computer was identified as a Government Non-Secured Internet Protocol Router (NIPR) computer. The time zone was set to Afghanistan Standard Time (AST). A virus/malware scan was conducted, which revealed no malware or viruses were detected.

Examination revealed no items of evidentiary value.

5. CONCLUSION: The forensic examination of the digital media revealed documents created by user (b)(6) (b)(7)(C) (b)(3) between 3 Jul 12 and 7 Jul 12, that appear to be related to a possible Rules of Engagement violation. Furthermore, the user (b)(6) (b)(7)(C) (b)(3) had several files classified as "Secret" located on a NIPR designated computer.

(b)(6) (b)(7)(C) (b)(3)

0254-12-CID379-77688

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0768-12-CID023-

PAGE 1 OF 1 PAGE

DETAILS

BASIS FOR INVESTIGATION: About 1028, 30 Jul 12, this office received a Request For Assistance from the Kandahar CID Office, Kandahar Airfield, Afghanistan, APO AE 09355, to conduct a witness interview of (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) regarding his knowledge of the Rules of Engagement concerning motorcycles and enemy with radios.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(b)(6) (b)(7)(C) (b)(3)

DATE

30 Jul 12

EXHIBIT

102

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

ROI NUMBER

0768-12-CID023

PAGE 1 OF 1 PAGE(S)

DETAILS

About 1445, 7 Aug 12, (b)(6) (b)(7)(C) (b)(3) conducted an interview of (b)(6) (b)(7)(C) (b)(3) who rendered a statement detailing that the unit leadership had been briefed on the Rules of Engagement (ROE) in mid-June, prior to the arrival of 1LT Clint A. LORANCE, XXX-(b)(6) (b)(7)(C) (b)(3) C Troop, 4th Squadron, 73rd Calvary Regiment, 4th BCT, Strong Point Payanzai, Afghanistan, 09370. Subsequently (b)(6) (b)(7)(C) (b)(3) stated that all unit leadership had thorough knowledge of the ROE and how to implement it. (See Sworn Statement for Details).

About 1038, 14 Aug 12 (b)(6) (b)(7)(C) (b)(3) was contacted by (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who (b)(6) (b)(7)(C) (b)(3) had attempted to contact numerous times. (b)(6) (b)(7)(C) (b)(3) stated he had been in an intimate relationship with 1LT LORANCE from July 2011 to Jun 2012. Mr. (b)(6) (b)(7)(C) (b)(3) further stated 1LT LORANCE had been terrified of their relationship becoming known, because 1LT LORANCE was scared he would be harmed. Furthermore, (b)(6) (b)(7)(C) (b)(3) explained that 1LT LORANCE's personality changed around the time he took over as platoon leader. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE had becoming increasingly stressed and angry. 1LT LORANCE did not talk about the platoon or internal platoon information with (b)(6) (b)(7)(C) (b)(3) but did tell (b)(6) (b)(7)(C) (b)(3) that he had shot two people and further arrested two more. When (b)(6) (b)(7)(C) (b)(3) attempted to obtain more information, 1LT LORANCE said he could not say more. (b)(6) (b)(7)(C) (b)(3) did state sometime towards mid-July to the end of July 1LT LORANCE had told him he was in trouble.

(b)(6) (b)(7)(C) (b)(3) stated his relationship with 1LT LORANCE ended because (b)(6) (b)(7)(C) (b)(3) had found out 1LT LORANCE was using a hidden email address and international cellular phone to coordinate intimate meetings with other men in Afghanistan through Craigslist. (b)(6) (b)(7)(C) (b)(3) explained he had not had contact with 1LT LORANCE for about three weeks.

About 0912, 29 Aug 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who stated no further investigative activity from this office was required.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

DATE

EXHIBIT

(b)(6) (b)(7)(C) (b)(3)

29 Aug 12

103

CID F

-LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

0254-12-C10379-77688

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 retrieved.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURES: Disclosure of your social security number is voluntary.

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DATE

07 Aug 2012

1445

NUMBER

0768-12-C10023

(b)(6) (b)(7)(C) (b)(3)

SOCIAL SECURITY NUMBER

XXX-XX-XXXX

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

with

(b)(6) (b)(7)(C) (b)(3)

I was assigned to

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

and finally was stationed at

(b)(6) (b)(7)(C) (b)(3)

While at

(b)(6) (b)(7)(C) (b)(3)

interacted with

(b)(6) (b)(7)(C) (b)(3)

I was briefed on the current Rules of Engagement (ROE) for RC(S). The ROE stated that "we could engage an individual when positive identification has been made of that individual possessing an ICOM or weapon and making threatening advances on our position." During the month of May I was informed that I would be

(b)(6) (b)(7)(C) (b)(3)

determined. I arrived at

(b)(6) (b)(7)(C) (b)(3)

where I received refresher courses in Counter-IED methods, as

well as small arms competency. I was assigned to

(b)(6) (b)(7)(C) (b)(3)

in order to fill in for

(b)(6) (b)(7)(C) (b)(3)

who

(b)(6) (b)(7)(C) (b)(3)

held this roll until

(b)(6) (b)(7)(C) (b)(3)

return and then stayed

attached to

(b)(6) (b)(7)(C) (b)(3)

while still being under the command of

(b)(6) (b)(7)(C) (b)(3)

During this time we were briefed on the Rules of Engagement for RC(S). We were told that we were "Allowed to engage the enemy if they were of military age and viewed to have a radio or ICOM and moving on us in a threatening manner." We took this ROE and passed it to our Platoon Sergeants and ensured that it was disseminated to the lowest levels of our company. Our soldiers were well aware that they were not to engage an individual unless the situation was cleared by the current ROE, there was zero confusion in this.

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) I am currently at

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: Who typed the above statement?

A: (b)(6) (b)(7)(C) (b)(3)

Q: At any time were you physically working in Afghanistan under

(b)(6) (b)(7)(C) (b)(3)

A: Yes. From May-Jul 2012.

Q: What was your position?

A: (b)(6) (b)(7)(C) (b)(3)

Q: What troop/company were you working under?

A: (b)(6) (b)(7)(C) (b)(3)

Q: Who is 1LT Clint A. LORANCE?

A: He is an infantry officer assigned to Charlie Troop, 4-73rd Cav.

Q: Have you ever had any interactions with him?

A: I worked with him

(b)(6) (b)(7)(C) (b)(3)

Q: When did he move to be a Platoon Leader.

A: Beginning of July 2012.

Q: Where you briefed when you worked with Brigade on the ROE?

A: Personally no, but I was aware of the RO

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

0768-12-CID023

(b)(6) (b)(7)(C) (b)(3)

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

9. STATEMENT (Continued)

0754-72-6
DATED 07 August 2012 7 5 8 8

(b)(6) (b)(7)(C) (b)(3)

Q: Do you feel like you had a good understanding of it while you worked at Brigade?

A: Yes

Q: Where you briefed of the ROE when you took over as Platoon Leader?

A: Not by my direct Command but I did have a talk with my Platoon Sergeant and squad leaders about it. The ROE was reiterated to the Company leadership in the middle of June due to a potential civilian casualty situation that had occurred in a neighboring Area of Operation.

Q: Was 1LT LORANCE at that Command ROE brief?

A: No. He wasn't in the unit yet.

Q: Do you know if 1LT LORANCE was briefed on the ROE when he arrived to the unit?

A: I don't know.

Q: When you were briefed by Company Command on the ROE in mid-June what were the parameters?

A: Positive identification on an individual with a weapon or radio system moving in a threatening manner towards your position.

Q: What does "moving in a threatening manner towards your position" mean?

A: That is left to the leadership. For instance if a guy is moving towards me against a wall with a weapon, using the wall as cover/concealment is a threatening manner. In Afghanistan you can have one weapon per household and the Afghanistan Local Police (ALP) do not always wear uniform typical for ALP and they can carry weapons. Its all to the interpretation of the Command.

Q: What does "radio system" mean?

A: An ICOM or handheld radio device that would be used to coordinate movement on ISAF forces.

Q: How can a person with a radio move towards you in a threatening manner?

A: They can be concealing themselves from your line of sight. That is pretty much it. It's up to leadership interpretation.

Q: Have you ever heard of the ROE covering personnel operating a motorcycle?

A: No, everyone over there rides motorcycles.

Q: Have you ever heard of the ROE covering personnel operating a motorcycle while holding a weapon?

A: Only if they are moving on you in a threatening in manner.

Q: What is a Company Operations Intelligence Support Team (COIST)?

A: That is like the S2 for the company. They plot out the IED strikes, finds and plants. They are the all-source intelligence for the company.

Q: Is it allowed for the Platoon Leaders to dictate if a battle damage assessment (BDA) is conducted?

A: We are instructed to always conduct a BDA however a Platoon Leader can delay a BDA due to enemy circumstances.

Q: What is a secured electronic enrollment kit?

A: SEEK. It is how you take photographs and fingerprints of individuals on a handheld device. You give them to the COIST to update the database while on site you can identify and individual as being a person of suspicion?

Q: This is done on all personnel, alive or deceased?

A: All military aged males, or other suspicious characters.

Q: When would the use of SEEK not be conducted?

A: Unless the situation did not warrant me any time or was too dangerous.

Q: What is ex-spray?

A: Is an instrument used to judge is a chemical compound is on an individual that could be used for explosives.

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

A: No///END OF STATEMENT/

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

STATEMENT OF
9. STATEMENT (Continued)

(b)(6) (b)(7)(C) (b)(3)

DATE: 07 August 2012

0254-12-C10379-77688

NOT USED

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

I, (b)(6) (b)(7)(C) (b)(3), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I HAVE 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)(3)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)
Subscribed and sworn to before (b)(6) (b)(7)(C) (b)(3) authorized by law
to administer oaths, this 7th day of August 2012.

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority To Administer Oath)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

INITIALS

EXHIBIT: 105

EXHIBIT

000407

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0181-12-CID122
(0254-12-CID379-77688)

Page 1 of 1

DETAILS

BASIS FOR INVESTIGATION: This office received a request for assistance from the Kandahar CID Office, Kandahar Airfield, Afghanistan, APO AE 09355 to locate, identify, and interview (b)(6) (b)(7)(C) (b)(3) XXX-XX (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) regarding his knowledge of the Afghanistan Rules of Engagement (AROE), specifically related to motorcycles and enemy forces with radios.

AGENT'S COMMENT: This request for assistance was received on 1 Aug 12 but the initiation of this request was not conducted until the whereabouts of (b)(6) (b)(7)(C) (b)(3) was confirmed due to the initial confusion of his actual location.

Between 1340-1451, 3 Aug 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing his background, training, and implementation of rules of engagement, standard operating procedures and escalation of force while deployed as (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (See Sworn Statement)

About 1620, 4 Aug 12, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who stated no additional activity is required at this time.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE (b)(6) (b)(7)(C) (b)(3)

DATE

4 Aug 12

EXHIBIT

Excl 1 106

CID FORM 94

FOR OFFICIAL USE ONLY

(Automated) Contents cannot be released outside law enforcement or Department of the Army channels without the approval of the Commander, USACIDC 000408

LAW ENFORCEMENT SENSITIVE – FOR OFFICIAL USE ONLY

SWORN STATEMENT

FILE NUMBER : 0254-12-CID379-77688 (0181-12-CID122)
LOCATION : (b)(6) (b)(7)(C) (b)(3)
DATE : 3 Aug 12 TIME: 1451
NAME : (b)(6) (b)(7)(C) (b)(3)
SSN : (b)(6) (b)(7)(C) (b)(3) Grade/Status: (b)(6) (b)(7)(C) (b)(3)
ORG/ADDRESS : (b)(6) (b)(7)(C) (b)(3)

I, (b)(6) (b)(7)(C) (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: When were you deployed?

A: (b)(6) (b)(7)(C) (b)(3)

Q: Where were you deployed?

A: (b)(6) (b)(7)(C) (b)(3)

Q: What unit was you assigned to when you were deployed?

A: (b)(6) (b)(7)(C) (b)(3)

Q: What were your duties when you were assigned to (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) while deployed to (b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)

Q: Do you understand all the following questions are in regards to the timeframe you were assigned to (b)(6) (b)(7)(C) (b)(3) while deployed to (b)(6) (b)(7)(C) (b)(3)

A: Yes

Q: What would be considered your element?

A: (b)(6) (b)(7)(C) (b)(3)

Q: What were your general rules of engagement?

A: Hostile action perceived by hostile intent. If we felt our lives were threatened, we were authorized to engage/element the threat. Several factors had to be perceived before engaging which were derived from the current tactics, techniques, and procedures of enemy forces.

Q: What were some factors that would lead you to believe you could utilize your rules of engagement and escalate your force?

A: Our interpreters would carry handheld radio scanners that would pick up possible enemy forces communicating. If something was picked up on the scanner, we would make sure to let everyone know to be on high alert for individuals using handheld radios. Other than that, we would focus on our mission until current tactics, techniques, and procedures of enemy forces were identified.

Q: What were your steps for escalation of force?

A: Shout, show, shove, shoot, shoot. The original steps included a warning shoot but it was removed around 1 June 2012. Shout at the threat to get them to stand down, show intent to eliminate the threat, shove the threat away, shoot to disable the threat, then shoot to eliminate the threat.

INITIALS OF PERSON MAKING STATEMENT

LAW ENFORCEMENT SENSITIVE – FOR OFFICIAL USE ONLY

EXHIBIT

107

000409

LAW ENFORCEMENT SENSITIVE - FOR OFFICIAL USE ONLY

"Statement of

(b)(6) (b)(7)(C) (b)(3)

Continued:"

Q: Were your steps for escalation of force different for individuals on motorcycles?

A: No, all steps for escalation of force were the same for individuals on foot, on motorcycles, and for individuals in vehicles

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Q: Were your steps for escalation of force different for individuals with handheld radios?

A: No. The steps for escalation of force were the same but if we were alerted to communication by the handheld radio scanner, we were put on higher alert. Regardless, the steps for escalation of force were the same.

Q: What were your rules of engagement concerning motorcycles?

A: If we came into contact with a motorcycle, we would direct them to get off the motorcycle so we could talk to them if needed

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Q: What were your rules of engagement concerning individuals with handheld radios?

A: If we came into contact with an individual with a handheld radio, we would alert the element to be aware of the individual but we would not engage solely based on individuals utilizing handheld radios.

(b)(6) (b)(7)(C) (b)(3)

Use of radios needed to be paired with other threats to qualify as hostile intent and allow engagement (i.e. massing, enemy TTB observed etc)

Q: What were your rules of engagement concerning unexploded ordinances and improvised explosive devices?

A: Our element would mark it with poker chips or baby powder. Once it was marked, we would back off about 50 meters or to the nearest cover, call the explosive ordinance disposal team through our tactical operation center, and cordon off the area.

Q: Was your element authorized to utilize the platoon to dismantle or remove an unexploded ordinance or improvised explosive devices?

A: No, once it was identified, we would contact the explosive ordinance disposal team through our tactical operation center.

Q: Was your element authorized to use the Afghan National Army to remove unexploded ordinances and improvised explosive devices?

A: Yes, we were authorized to use the Afghan National Army but we rarely did since we were relatively close to the explosive ordinance disposal team.

Q: How did the Afghan National Army remove unexploded ordinances and improvised explosive devices?

A: They would remove the devices themselves using their own training. We never provided them specific guidance how to remove them nor did we ever tell them to detonate in place or blow up using a rocket propelled device.

Q: When were you provided training/guidance concerning your general rules of engagement?

A: We were provided a lot of training before deployment at Fort Bragg and it was provided with every mission brief we conducted before going on mission.

Q: Where were you specifically provided training/ guidance concerning your general rules of engagement?

A: Fort Bragg but if any updates were put out, I would have received them from my higher command.

Q: Who provided training/ guidance concerning your general rules of engagement?

A: I provided training to my platoon at Fort Bragg and provided guidance to my platoon while deployed. I don't remember who specifically trained me.

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Page 2 of 4 Pages

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EXHIBIT 107

000410

LAW ENFORCEMENT SENSITIVE - FOR OFFICIAL USE ONLY

"Statement of

(b)(6) (b)(7)(C) (b)(3)

Continued."

Q: When you were provided training/guidance regarding your rules of engagement was there specific guidance for individuals on motorcycles?

A: I would bring up to my element to be on alert for individuals on motorcycles but nothing specific to rules of engagement since all rules of engagement were the same.

Q: When you were provided training/guidance regarding your rules of engagement was there specific guidance for individuals with handheld radios?

A: I would bring up to my element to be on alert for individuals with handheld radios but nothing specific to rules of engagement since all rules of engagement were the same.

Q: Was training your element on the rules of engagement one of your duties

Q: Did your element ever have any engagements with individuals on motorcycles?

A: Yes, strikes fire more than a couple of times.

Q: Did your element ever have any engagements with individuals on motorcycles?

A: Yes.

Q: Who was (b)(6) (b)(7)(C) (b)(3)

A: (b)(6) (b)(7)(C) (b)(3)

Q: Did (b)(6) (b)(7)(C) (b)(3) provide rules of engagement training?

A: Yes, he would provide printouts to all the Soldiers and it was posted throughout the Combat Outpost to include the change to the steps for escalation of force.

Q: Do you know (b)(6) (b)(7)(C) (b)(3)

A: Yes (b)(6) (b)(7)(C) (b)(3)

Q: Did (b)(6) (b)(7)(C) (b)(3) ever ask you questions regarding his rules of engagement?

A: Not that I can recall. (b)(6) (b)(7)(C) (b)(3) was very thorough and asked a lot of questions during our mission briefs but I don't recall a specific instance where he asked about his rules of engagement.

Q: Were these questions regarding his rules of engagement specifically about individuals with handheld radios?

A: I don't know.

Q: What guidance you provide (b)(6) (b)(7)(C) (b)(3) regarding individuals with handheld radios?

A: I don't remember.

Q: Did all the Soldiers in your element attend the mission briefs?

A: Mission dependant but most of the time everyone attended.

Q: Was providing guidance regarding rules of engagement to your element a required task or an implied task.

A: There was nothing specifically stated that I did this but it was implied.

Q: Did your element encounter any unexploded ordinance or improvised explosive devices?

A: All the time. I can't even count how many times we encountered unexploded ordinance and improvised explosive devices.

Q: What is your definition of harassing fire?

A: Harassing fire is when shots are being fired without a specific target identified. During this, one has the ability to move from point to point without the immediate threat identifying your position.

Q: Did you ever have your element utilize harassing fire to get the locals to attend Shuras?

A: No.

Q: What did you do when you wanted to get locals to attend Shuras?

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT: (b)(6) (b)(7)(C) (b)(3)

Page 3 of 4 Pages

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

000411

BIT 107

LAW ENFORCEMENT SENSITIVE - FOR OFFICIAL USE ONLY

"Statement of

(b)(6) (b)(7)(C) (b)(3)

Continued:"

A: I would just talk to the people and encouraged people to attend.

Q: Was talking to the people and encouragement of people to attend the Shuras a job requirement or an implied task?

A: I spoke with my commander and we both decided that talking with the locals about the Shuras would improve our relations and make things a little better.

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

A: The only thing I would like to add is that when I was deployed, we never had any issues with not properly using the rules of engagement or escalation of force. (b)(6) (b)(7)(C) (b)(3)

END OF STATEMENT##

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)

I would be

reports from (b)(6) (b)(7)(C) (b)(3)

on the ground to

determine when there was hostile intent.

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

that they could

could determine hostile intent and engage if the threat was time sensitive or I could not be reached."

(b)(6) (b)(7)(C) (b)(3)

END OF STATEMENT##

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

I, HAVE READ OR 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C) (b)(3)

WITNESSES:

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION AND ADDRESS

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

10 USC 936

(Authority to Administer Oath)

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

Page 4 of 4 Pages

EXHIBIT 107

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000412

End 2

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

1011-12-CID023

PAGE 1 OF 1 PAGE

DETAILS:

BASIS FOR INVESTIGATION: About 0718, 23 Oct 12, this office received Request for Assistance from (b)(6) (b)(7)(C) (b)(3) to locate, fully identify, and interview (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) regarding an incident wherein three local nationals were fired upon by the order of 1LT Clint LORANCE, XXX (b)(6) (b)(7)(C) (b)(3) C TRP, 4/73rd CAV, 4th BCT, 82nd ABN DIV, FBNC.

About 1240, 23 Oct 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who rendered a sworn statement. (b)(6) (b)(7)(C) (b)(3) stated on 1 Jul 12, he briefed 1LT LORANCE on the Law of Armed Conflict principles of proportionality and necessity, the rules of engagement. (See Sworn Statement for details)

About 1740, 25 Oct 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who rendered a sworn statement. (b)(6) (b)(7)(C) (b)(3) stated 1LT LORANCE briefed his platoon before a mission that they were cleared to engage any motorcycles in their area of operation without asking for permission. (b)(6) (b)(7)(C) (b)(3) stated he heard a Soldier at the front of the formation yell out that they saw a motorcycle with two individuals riding and another Soldier within his platoon yell out fire resulting in the death of the two local nationals. (See Sworn Statement for details)

About 1623, 26 Oct 12, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who rendered a sworn statement. (b)(6) (b)(7)(C) (b)(3) stated his fire team were on a roof top and had spotted two individuals with ICOMS. (b)(6) (b)(7)(C) (b)(3) stated (b)(6) (b)(7)(C) (b)(3) confirmed a local national was talking on the radio and informed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who gave the order to fire upon that individual. (See Sworn Statement for details)

About 1200, 8 Nov 12, (b)(6) (b)(7)(C) (b)(3) this office, obtained (b)(6) (b)(7)(C) (b)(3) of 1LT LORANCE.

About 0930, 9 Jan 13, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who confirmed no further investigative activity was needed from this office. ///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) 7(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DATE
9 Jan 13

EXHIBIT

EXHIBIT 108

CID Form 94

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LAW ENFORCEMENT SENSITIVE

000413

ENCL 1

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) (b)(3)	DATE 23 Oct 12	TIME 1240	FILE NUMBER 1011-12-CID023-
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX (b)(6) (b)(7)(C) (b)(3)		GRADE/STATUS (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Before the deployment, I briefed the Troop on the law of armed conflict (LOAC) and the rules of engagement (ROE). I focused on the right to self-defense and the accountability that came with it. I further elaborated on defining hostile acts, hostile intent, and imminent threat. The brief included the questions "Can I? Must I? Should I?", which the Brigade used to frame the application of ROE and LOAC. In June, during the deployment, the Brigade required ROE/LOAC training referred to as "judgment" training. (b)(6) (b)(7)(C) (b)(3) and I printed out all of the materials provided and issued it to the platoon leaders and platoon sergeants. They took the slides and vignettes and used them to train their Troopers. All leaders reported completing the ROE/LOAC training to the first sergeant. LT LORANCE arrived to the Troop after we conducted this training. I understand that he received training on the commander's guidance for fires at the Squadron headquarters before he reported to the Troop. After his first mission with his new platoon, on 1 JUL 2012, I took LT LORANCE aside to speak with him specifically about application of force. His reporting during the patrol that morning had concerned me, and I reiterated to him the LOAC principles of proportionality and necessity. I told him that he had to respond to threats with an appropriate, proportional amount of force. I warned him of the potential for causing civilian casualties if he did not apply these principles.

Q. (b)(6) (b)(7)(C) (b)(3)

A.

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

A. Yes.

Q. When did the LOAC and ROE brief take place?

A. Jan 2012, here at Ft Bragg, NC before the deployment.

Q. When did LT LORANCE arrive at Charlie Troop?

A. 28-29 Jun 12.

Q. Where had LT LORANCE worked before arriving at your Troop?

A. Brigade Headquarters as the liaison officer for the Squadron.

Q. Did LT LORANCE receive the training at the Squadron Headquarters?

A. Based on standard operating procedure, LT LORANCE was supposed to receive the training and I think he was there for a few days.

Q. LT LORANCE's reporting had concerned you, why?

A. His reporting was vague and he described certain weapon systems he used in response to small arms fire and that seemed excessive to me. LT LORANCE reported that a MK 19 was fired but after coordinating with the (b)(6) (b)(7)(C) (b)(3) which was not the case, no MK 19 was used. That was why I pulled him aside because that would have been excessive.

Q. Did LT LORANCE comprehend your brief about the proportionality and necessity regarding the use of force?

A. Yes.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)	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 SIDE OF ANOTHER COPY OF THIS FORM.

1011-12-C1A023

0254-12-C1D379-77688

STATEMENT OF

(b)(6) (b)(7)(C) (b)(3)

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

A. No. ///End of Statement/ (b)(6) (b)(7)(C) (b)(3)

DATED 23 October 2012 CONTINUED

LAW ENFORCEMENT SENSITIVE
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INITIALS OF PERSON MAKING STATEMENT:

(b)(6) (b)(7)(C) (b)(3)

PAGE 2 OF 3 PAGES

000415

ENCL2

EXHIBIT 109

STATEMENT OF (b)(6) (b)(7)(C) (b)(3)
STATEMENT (Continued)

DATED 23 October 2012 CONTINUED:

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) 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 UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths.

(b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES

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LAW ENFORCEMENT SENSITIVE

0254-11-000417 17188

SWORN STATEMENT

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 retrieved.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURES: Disclosure of your social security number is voluntary.

LOCATION	(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)	25 Oct 12	FILE NUMBER	1011-12-C10023
LAST NAME, FIRST NAME, MIDDLE NAME	(b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY	(b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS	(b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS	(b)(6) (b)(7)(C) (b)(3)				

MAKE THE FOLLOWING STATEMENT UNDER OATH:

Late June 2012, 1LT LORANCE introduced himself to the platoon once he arrived at Combat Out Post (COP). I was (b)(6) (b)(7)(C) (b)(3) with (b)(6) (b)(7)(C) (b)(3) when 1LT LORANCE came up to us and started talking. 1LT LORANCE stated things were going to change around here and that people are going to be scared of us. He told us a story of a LT who had his platoon boss the villagers around so that they were more scared of Soldiers than the Taliban. 1LT LORANCE went out on a mission with a different squad and came back that same day and then went on a mission with my platoon. Before the mission 1LT LORANCE briefed the platoon that we were cleared to engage motorcycles on site and not to ask just to engage. We all looked at each other wondering what was going on and puzzled. As we were leaving the ECP, we met some villagers and I over heard 1LT LORANCE mention something to them through his translator that they had a few seconds to leave before something happened, an act of violence. The dismount patrol went West through a grape farm, I was at the back of the formation. I heard someone yell out "Bike" and then I heard someone else say "Fire" but I do not know who. I heard at least three M4's fire pop shots and I know one of the guys was named (b)(6) (b)(7)(C) (b)(3) I don't know his first name. At that point we just continued mission until we reached the village. We walked through the grape rows until we reached an open field then turned north towards the village. There was a road that ran East and West through the village and at the Eastern end of the village was where the bike was with two individuals. I did not do the battle damage assessment so I don't know if they were alive or dead. My team, Fire Support, broke off and went west to the western edge of the village to provide security. When the rest of the platoon made it through the village 1LT LORANCE told us that mission was complete and then we can go back. Nothing happened on the way back. After the mission I talked to (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) what had happened because they were in a vehicle providing over sight to the patrol and they had a good vision of what happened. They told me that during the shooting they saw the two guys on the bike fall over. I don't know if this happened before or after that mission but 1LT LORANCE had instructed the guys up in the tower to fire over the village to get them mad so they would come to the Shura (meeting between local nationals and U.S. Forces). 1LT LORANCE wanted that to happen so that during the meeting he could tell the locals what he wanted to do.

Q. (b)(6) (b)(7)(C) (b)(3)

PAGE 1 OF 3

INITIALS

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT:

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LAW ENFORCEMENT SENSITIVE

0254-12-010023-72688

STATEMENT OF: (b)(6) (b)(7)(C) (b)(3) DATED: 25 Oct 12 STATEMENT (Continued)

A. (b)(6) (b)(7)(C) (b)(3)

Q. Did (b)(6) (b)(7)(C) (b)(3) type the above narrative for you in your own words?

A. Yes.

Q. Do you know 1LT LORANCE's first name?

A. No.

Q. What did 1LT LORANCE brief about the Rules of Engagement (ROE)?

A. If engaged return fire, that there are no motorcycles in our area of operations and if you see one to engage it and you do not have to ask. That covered the ROE.

Q. Do you know if 1LT LORANCE was briefed about ROE's?

A. No.

Q. What was your opinion of 1LT LORANCE when you meet him?

A. Not a bad guy, he introduced himself to the platoon and after that he would pull each person aside and ask what your goals were and get to know you better. Everyone thought he was a squared away guy since he came from Brigade.

Q. Hows many rounds were fired?

A. I don't know.

Q. How was the incident reported?

A. I don't know who reported it or to who.

Q. Did you see 1LT LORANCE after the incident?

A. After the mission, yes. After the investigation started, no. I was never given a no contact order but there were some people who received a no contact order for what I do not know, I was not in the room when they were signing them.

Q. Why did 1LT LORANCE want the villagers to be scared?

A. To get them to do what we want.

Q. Do you or anybody else question the ROE?

A. NO.

Q. Was the modified ROE ever explained?

A. No. Since no one questioned 1LT LORANCE never explained it.

Q. Who heard 1LT LORANCE's ROE brief?

A. Myself, (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) there were more people but that is all I can remember.

Q. Where are the mentioned Soldiers at now?

A. All are still at (b)(6) (b)(7)(C) (b)(3) Everyone except for (b)(6) (b)(7)(C) (b)(3) are in (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) I want to say (b)(6) (b)(7)(C) (b)(3) went to (b)(6) (b)(7)(C) (b)(3) I'm not sure which one.

Q. We all got split up to the units where we came from. The whole squadron was reorganized upon returning to (b)(6) (b)(7)(C) (b)(3)

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

A. No.///End of Statement/// (b)(6) (b)(7)(C) (b)(3)

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

STATEMENT OF:

(b)(6) (b)(7)(C) (b)(3)

0254-12-C10379-77688
DATED: 25 Oct 12 STATEMENT (Continued)

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

I 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)(3)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Type Name of Person Administering Oath)

10 USC 936

(Authority To Administer Oath)

(b)(6) (b)(7)(C) (b)(3)

INITIAL

EXHIBIT:

110

EXHIBIT

000419

ENCL 3

SWORN STATEMENT

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 retrieved.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURES: Disclosure of your social security number is voluntary.

LOCATION (b)(6) (b)(7)(C) (b)(3)	DATE (b)(6) (b)(7)(C) (b)(3) 26 Oct 12 (b)(6) (b)(7)(C) (b)(3) 623	FILE NUMBER 10 11-12-C1A023
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6) (b)(7)(C) (b)(3)	SOCIAL SECURITY NUMBER XXX-XX- (b)(6) (b)(7)(C) (b)(3)	GRADE/STATUS
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)		

(b)(6) (b)(7)(C) (b)(3), I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

After we got to (b)(6) (b)(7)(C) (b)(3) which was (b)(6) (b)(7)(C) (b)(3) myself, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) were observing a group of four guys outside of a grape hut (b)(6) (b)(7)(C) (b)(3) spotted a guy with a radio (ICOM) who was about 400 meters away from the group of guys and that's when (b)(6) (b)(7)(C) (b)(3) confirmed with his optics that the guy had an ICOM. (b)(6) (b)(7)(C) (b)(3) couldn't see where (b)(6) (b)(7)(C) (b)(3) was looking. Then, (b)(6) (b)(7)(C) (b)(3) gave the command of fire and the guy disappeared. After that the four of us continued to observed the group of guys who were by the grape hut. They all split up and came back about 5-10 minutes later but only three came back. I don't know if they were military aged men. We continued to observe and that's when (b)(6) (b)(7)(C) (b)(3) spotted a guy with an ICOM about 200 meters in front of us walking west to east along a wall. (b)(6) (b)(7)(C) (b)(3) reported the guy had an ICOM and then (b)(6) (b)(7)(C) (b)(3) also confirmed by looking through his optics that the guy had an ICOM and then gave the command to fire. (b)(6) (b)(7)(C) (b)(3) fired on the guy and went down. I want to say that he did go down but don't know for sure because the guy was on the north side of the wall. After the shooting, we went back to observing the group of guys by the grape hut and they went inside the grape hut. It was about 30-45 minutes later that the platoon came by and we left.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q. Did (b)(6) (b)(7)(C) (b)(3) type the above narrative for you in your own words?

A. Yes.

Q. Was (b)(6) (b)(7)(C) (b)(3) looking through his optic to describe what the guy with the ICOM was doing to (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

A. Yes. (b)(6) (b)(7)(C) (b)(3) spotted the guy without his optic at first then confirmed using his optic, an ACOG.

Q. What information did (b)(6) (b)(7)(C) (b)(3) give to (b)(6) (b)(7)(C) (b)(3)

A. Distance and Direction. Which was 200 meters away and straight ahead.

Q. Did (b)(6) (b)(7)(C) (b)(3) state that he feared for his safety?

A. All of us had mentioned it because we were on a roof top and observing a group of guys who were observing us from a known firing spot.

Q. The guy that (b)(6) (b)(7)(C) (b)(3) shoot at, what was he doing?

A. The guy was walking west to east talking on his ICOM. We were briefed when we arrived in Afghanistan that the person must be talking on an ICOM in order to shoot at because that was hostile intent. If the person only had the ICOM down by his side then it was not considered hostile.

Q. Did (b)(6) (b)(7)(C) (b)(3) have the authority to give the order to fire upon someone?

A. I don't know if he has the authority but he was the senior ranking guy in the fire team and we were away from everyone else.

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

A: No./// END STATEMENT/// (b)(6) (b)(7)(C) (b)(3)

STATEMENT OF
9. STATEMENT (Continued)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3)

I, _____ HAVE READ OR HAVE HAD READ TO ME THIS
STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE
STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF
EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD,
WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6) (b)(7)(C) (b)(3)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3)

(Type Name of Person Administering Oath)

10 USC 936

(Authority To Administer Oath)

(b)(6) (b)(7)(C) (b)(3)

INITIAL

EXHIBIT: III

EXHIBIT
000421

ENCL 4

AGENT'S INVESTIGATION REPORT*CID Regulation 195-1*

ROI NUMBER

0254-12-CID379-77688

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

PAGE 1 OF PAGE(S)

DETAILS

About 1934, 8 Jan 13, this office was contacted by (b)(6) (b)(7)(C) (b)(3) who provided his legal opinion pertaining to the following individuals:

1LT LORANCE: Probable Cause (PC) Willful Discharge of a Firearm in Circumstances such as to Endanger Human Life, Communicating a Threat, Murder, Obstruction of Justice, and False Official Statement.

(b)(6) (b)(7)(C) (b)(3), (b) (5)

About 1930, 9 Jan 13 (b)(6) (b)(7)(C) (b)(3) contacted (b)(6) (b)(7)(C) (b)(3) who provided the following explanations for the legal opinions given:

(b)(6) (b)(7)(C) (b)(3), (b) (5)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

11 Jan 13

EXHIBIT

112

CID FORM 195-1 FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

(Automated) Contents cannot be released outside law enforcement or Department of the Army channels without the approval of the Commanding Officer 000422 IDC

AGENT'S INVESTIGATION REPORT*CID Regulation 195-1*

ROI NUMBER

0254-12-CID379-77688

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

PAGE 2 OF PAGE(S)

DETAILS

1LT LORANCE, (b)(6) (b)(7)(C) (b)(3) stated the listed charges should state two incidents of murder, one incident of attempted murder, one false official statement, one obstruction of justice, and one willful Discharge of a firearm in Circumstances such as to Endanger Human Life.

About 1900, 11 Jan 13, (b)(6) (b)(7)(C) (b)(3) was contacted by (b)(6) (b)(7)(C) (b)(3) who stated there was probable cause to believe 1LT LORANCE committed the offense of Obstruction of Justice when he falsely reported the patrol could not conduct a BDA (b)(6) (b)(7)(C) (b)(3) further stated there was probable cause to believe 1LT LORANCE committed the offense of False Official Statement when he falsely reported finding an IED, and when he briefed his platoon about a ROE change.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

ORGANIZATION

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE

(b)(6) (b)(7)(C) (b)(3)

DATE

11 Jan 13

EXHIBIT

112

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

(Automated) Contents cannot be released outside law enforcement or Department of the Army channels without the approval of the Commanding Officer. 000423 IDC

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Law Enforcement Sensitive

0254-12-CID379-77688

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MPR/CID SEQUENCE NUMBER 0254-12-CID379	
For use of this form see AR 190-45 and AR 195-5, the proponent agency is US Army Criminal Investigation Command		CRD REPORT/CID ROI NUMBER 77688	
RECEIVING ACTIVITY Kandahar CID Office		(b)(6) (b)(7)(C) (b)(3)	
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED		ADDRESS (Include Zip Code)	
OWNER (b)(6) (b)(7)(C) (b)(3)		(b)(6) (b)(7)(C) (b)(3)	
<input checked="" type="checkbox"/> OTHER			
LOCATION FROM WHERE OBTAINED From the hands of (b)(6) (b)(7)(C) (b)(3) while in the conference room of (b)(6) (b)(7)(C) (b)(3)		REASON OBTAINED Evidence	TIME/DATE OBTAINED 0700/8 Jul 12
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)	
1	1	RIFLE. Military Issued M4 Carbine S/N: W041606, attached to rifle is a M68 optic S/N 983964 and laser pointer P/N ATP-100-A14 S/N 242949. Rifle and all components were in used conditions and no sling was present. Rifle was issued to (b)(6) (b)(7)(C) (b)(3) Rifle and all components were marked for identification (MFID) with 0700 (b)(6) (b)(7)(C) (b)(3) (Hands of (b)(6) (b)(7)(C) (b)(3))	
2	1	MACHINE GUN. Military Issued M240B S/N: U109510, with hand written words "Pepper" on the buttstock, attached to the machine gun is a machine gun ACOG 6x48 S/N 008195 and laser pointer P/N ATP-100-A14 S/N 241607 Machine gun and all components were in used conditions with no sling present. Machine gun was issued to (b)(6) (b)(7)(C) (b)(3) Machine gun and all components were MFID with 0700 (b)(6) (b)(7)(C) (b)(3) (Hands of (b)(6) (b)(7)(C) (b)(3))	
3	1	MACHINE GUN. Military Issued M240B S/N: U109330, with hand written words "Mila" on the buttstock, attached to the machine gun is a M145 ELCAN optic S/N ELC-01-04347 Machine and all components were in used condition with no sling present. Machine gun was issued to (b)(6) (b)(7)(C) (b)(3) Machine gun and all components were MFID with 0700 (b)(6) (b)(7)(C) (b)(3) (Hands of (b)(6) (b)(7)(C) (b)(3))	
//////////////////////////////////////LAST ITEM//////////////////////////////////////			
CHAIN OF CUSTODY			
ITEM NO.	DATE	RELEASED BY	PURPOSE OF CHANGE OF CUSTODY
1-3	8 Jul 12	(b)(6) (b)(7)(C) (b)(3)	EVALUATION AS EVIDENCE
1	11 JUL 12	(b)(6) (b)(7)(C) (b)(3)	SIGNATURE REGISTERED MAIL NAME, GRADE OR TITLE RA 451.99.615.05 FWD TO EVIDENCE CUSTODIAN
2+3	11 JUL 12	(b)(6) (b)(7)(C) (b)(3)	SIGNATURE REGISTERED MAIL NAME, GRADE OR TITLE RA 451.992.629.05 FWD TO EVIDENCE CUSTODIAN
1	2 Aug 12	(b)(6) (b)(7)(C) (b)(3)	SIGNATURE RA 451.992.615.05 NAME, GRADE OR TITLE REGISTERED MAIL RECEIVED BY EVIDENCE CUSTODIAN
2+3	2 Aug 12	(b)(6) (b)(7)(C) (b)(3)	SIGNATURE RA 451.992.629.05 NAME, GRADE OR TITLE REGISTERED MAIL RECEIVED BY EVIDENCE CUSTODIAN

DA FORM 4137, 1 JUL 1976

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete

LOCATION

DOCUMENT NUMBER

799/12

APD PE v1.00

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EXHIBIT 000424 13



TO
ATTENTION OF

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

DEPARTMENT OF THE ARMY 0254-12-CID379-77987
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
KANDAHAR CID OFFICE
KANDAHAR AIRFIELD, AFGHANISTAN
APO AE 09355

CIRC-KAF

23 Jul 12

MEMORANDUM FOR RECORD

SUBJECT: Condition, location and marking of evidence and late submission of evidence
(0254-12-CID379-77688)

1. This memorandum is being generated to document the condition and location of when and where the evidence was obtained, to document marking the evidence for identification and to document the late submission of evidence on the Evidence/Property Custody Document (EPCD) for CID ROI # 0254-12-CID379-77688.

2. Between 13 Jul 12 and 21 Jul 12 (b)(6) (b)(7)(C) (b)(3) conducted investigative activity and collected three hard drives from the Provost Marshall's Office (PMO), (b)(6) (b)(7)(C) (b)(3). (b)(6) (b)(7)(C) (b)(3) collected the hard drives and documented them on an EPCD but failed to list the condition and location of when and where they were obtained. Additionally, the evidence was not marked for identification. The conditions of the hard drives were in used condition and they were obtained at 2200, 19 Jul 12, from the Liaison Officers table located at (b)(6) (b)(7)(C) (b)(3). The hard drives were marked for identification with 1630, 20 Jul 12, JCC, for the time (b)(6) (b)(7)(C) (b)(3) obtained the evidence.

3. Upon return to (b)(6) (b)(7)(C) (b)(3) the evidence was processed and forwarded to the evidence room. Chain of custody of the evidence was maintained at all times and processed in accordance with AR 195-5.

4. The point of contact for this report is the undersigned at DSN 318-421-6449 or email (b)(6) (b)(7)(C) (b)(3)@us.army.mil.

(b)(6) (b)(7)(C) (b)(3)

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MPR/CID SEQUENCE NUMBER 0254-12-CID379	
For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command		CRD REPORT/CID ROI NUMBER 77688	
RECEIVING ACTIVITY Kandahar CID Office		LOCATION Kandahar Airfield, APO AE 09355	
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER Recovery Scene <input checked="" type="checkbox"/> OTHER		ADDRESS (Include Zip Code) N/A	
LOCATION FROM WHERE OBTAINED Binder within the temporary storage locker located in the Kandahar CID Office, Kandahar Airfield, Afghanistan APO AE 09355		REASON OBTAINED Evidence	TIME/DATE OBTAINED 1121/9 Jul 12
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)	
1	1	NOTEBOOK, hard bound, green and white in color, NSN: 7530-00-222-3521, containing numerous attached lined pages. First page contains hand written writing in black ink "Have script....Q&A". Inside notebook is a black in color, plastic and metal type construction pen. All components were placed in a paper bag and sealed. Bag and seal were marked for ID with 1121/9Jul12 (b)(6) (b)(7)(C) (b)(3) Binder)	
2	4	DOCUMENT, white and black in color, paper type construction containing printed writing in black ink "0655...security". Document was placed in an envelope and sealed. Envelope and seal were marked for ID with 1121/9Jul12 (b)(6) (b)(7)(C) (b)(3) Binder)	
3	4	DOCUMENT, multiple colors, paper type construction containing hand written words in black ink "-On Infill.....truck-". Document was placed in an envelope and sealed. Envelope and seal were marked for ID with 1121/9Jul12 (b)(6) (b)(7)(C) (b)(3) Binder)(Contains secret material)	
///////	////////	////////////////////LAST ITEM////////////////////////////////////	
CHAIN OF CUSTODY			
ITEM NO.	DATE	RELEASED BY SIGNATURE NAME, GRADE OR TITLE	RECEIVED BY SIGNATURE NAME, GRADE OR TITLE
1-3	9Jul12	N/A Recovery Scene	(b)(6) (b)(7)(C) (b)(3) Evaluation as Evidence
1-3	12Jul12	(b)(6) (b)(7)(C) (b)(3)	RA 451992663 US Registered Mail Forward to evidence custodian
1-3	12Aug12	RA 451992663 US REGISTERED MAIL	(b)(6) (b)(7)(C) (b)(3) RECEIVED BY EVIDENCE CUSTODIAN
		SIGNATURE	SIGNATURE
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE
		SIGNATURE	SIGNATURE
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and
DA FORM 4137-R Privacy Act Statement
26 Sep 75 Which are Obsolete

LOCATION

DOCUMENT
NUMBER

793/12

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000426
EXHIBIT 114



TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
KANDAHAR CID OFFICE
KANDAHAR AIRFIELD, AFGHANISTAN
APO AE 09355

CIRC-KAF

23 Jul 12

MEMORANDUM FOR RECORD

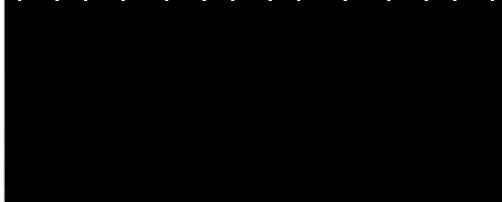
SUBJECT: Late submission of evidence and correction of identification number (0254-12-CID379-77688)

1. This memorandum is being generated to document the late submission of evidence and to correct an identification number on Evidence/Property Custody Document (EPCD) for CID ROI # 0254-12-CID379-77688.

2. Between 13 Jul 12 and 21 Jul 12 (b)(6) (b)(7)(C) (b)(3) collected evidence and conducted investigative activity while at (b)(6) (b)(7)(C) (b)(3). The evidence was documented with an incorrect identification number on the EPCD. The identification number should read (b)(6) (b)(7)(C) (b)(3) 500003934158310E". Upon return to (b)(6) (b)(7)(C) (b)(3) the evidence was processed and forwarded to the evidence room. Chain of custody of the evidence was maintained at all times and processed in accordance with AR 195-5.

3. The point of contact for this report is the undersigned at DSN 318-421-6449 or email (b)(6) (b)(7)(C) (b)(3)@us.army.mil.

(b)(6) (b)(7)(C) (b)(3)



EVIDENCE/PROPERTY CUSTODY DOCUMENT		MPR/CID SEQUENCE NUMBER 0254-12-CID379	
For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command		CRD REPORT/CID ROI NUMBER 77688	
RECEIVING ACTIVITY Kandahar CID Office		LOCATION Kandahar Airfield, APO AE 09355	
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER Recovery Scene <input checked="" type="checkbox"/> OTHER		ADDRESS (Include Zip Code) N/A	
LOCATION FROM WHERE OBTAINED (b)(6) (b)(7)(C) (b)(3)		REASON OBTAINED Evidence	TIME/DATE OBTAINED 0006/10 Jul 12

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <small>(Include model, serial number, condition and unusual marks or scratches)</small>
1	1	NOTEBOOK, hard bound, green and white in color, NSN: 7530-00-222-3521, containing numerous attached lined pages. First page contains hand written writing in black ink "Laptop...4281". Placed in a paper bag and sealed. Bag and seal were marked for ID with 0006/10Jul12 (b)(6) (b)(7)(C) (b)(3)
///////////////// LAST ITEM ///////////////////		

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	10Jul12	SIGNATURE N/A	(b)(6) (b)(7)(C) (b)(3)	Evaluation as Evidence
		NAME, GRADE OR TITLE Recovery Scene		
1	12Jul12	(b)(6) (b)(7)(C) (b)(3)	SIGNATURE RA 451 992 663 US	Forward to evidence custodian
			NAME, GRADE OR TITLE Registered Mail	
1	1 AUG 12	SIGNATURE RA 451 992 663 US	(b)(6) (b)(7)(C) (b)(3)	SCRONI RECEIVED BY EVIDENCE CUSTODIAN
		NAME, GRADE OR TITLE REGISTERED MAIL		
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and
DA FORM 4137-R Privacy Act Statement
26 Sep 75 Which are Obsolete.

LOCATION

DOCUMENT
NUMBER

792/12

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000428
EXHIBIT 115

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MPR/CID SEQUENCE NUMBER 0254-12-CID379		
For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command		CRD REPORT/CID ROI NUMBER 77688		
RECEIVING ACTIVITY (b)(6) (b)(7)(C) (b)(3)		(b)(6) (b)(7)(C) (b)(3)		
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED OWNER <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> (b)(6) (b)(7)(C) (b)(3)		ADDRESS (Include Zip Code) (b)(6) (b)(7)(C) (b)(3)		
LOCATION FROM WHERE OBTAINED: From the hands of (b)(6) (b)(7)(C) (b)(3) while inside the planning tent located at (b)(6) (b)(7)(C) (b)(3)		REASON OBTAINED Evidence	TIME/DATE OBTAINED 1850/17 Jul 12	
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)		
1	1	Hard drive, internal; silver, black, green and white in color; plastic and metal type construction; Toshiba brand, WWN 50000393415830E; DP/N 03YRW5; bearing an off white sticker with "Toshiba...N723Z218" and a green sticker on top of the off white sticker with "This medium is UNCLASSIFIED U.S. Government Property SF 710 (1-87)". BIOS Time & Date: 1911, 17 Jul 12/Known Good Time & Date: 1912, 17 Jul 11. Marked for ID with 1850, (b)(6) (b)(7)(C) (b)(3) Hands of (b)(6) (b)(7)(C) (b)(3)		
LAST ITEM				
CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	17 Jul 12	(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)	Evaluation as Evidence
1	25 Jul 12	(b)(6) (b)(7)(C) (b)(3)	SIGNATURE REGISTERED MAIL NAME, GRADE OR TITLE RA 451 992 836 US	FORWARD TO EVIDENCE CUSTODIAN
1	1 AUG 12	SIGNATURE RA 451 992 836 US NAME, GRADE OR TITLE REGISTERED MAIL	SIGNATURE (b)(6) (b)(7)(C) (b)(3)	RECEIVED BY EVIDENCE CUSTODIAN
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and
DA FORM 4137-R Privacy Act Statement
26 Sep 75 Which are Obsolete.

LOCATION

DOCUMENT
NUMBER

785, 12



TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
KANDAHAR CID OFFICE
KANDAHAR AIRFIELD, AFGHANISTAN
APO AE 09355

CIRC-KAF

2 Aug 12

MEMORANDUM FOR RECORD

SUBJECT: Correction of a Serial Number (0254-12-CID379-77688)

1. This memorandum is being generated to document the correction of a serial number of a laser pointer collected as evidence.

2. On 8 Jul 12, a laser pointer was collected as evidence and documented on an Evidence/Property Custody Document (EPCD). During a review of the EPCD, it was discovered the serial number for the laser pointer was incorrectly annotated. The serial number for the laser pointer should have read 242979.

3. The point of contact for this report is the undersigned at DSN 318-421-6449 or email (b)(6) (b)(7)(C) (b)(3)@us.army.mil.

(b)(6) (b)(7)(C) (b)(3)

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MPR/CID SEQUENCE NUMBER 254-12-CID379	
For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command		CID REPORT/CID ROI NUMBER 77688	
(b)(6) (b)(7)(C) (b)(3)		(b)(6) (b)(7)(C) (b)(3)	
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED OWNER (b)(6) (b)(7)(C) (b)(3)		ADDRESS (Include Zip Code) (b)(6) (b)(7)(C) (b)(3)	
<input checked="" type="checkbox"/> OTHER			
LOCATION FROM WHERE OBTAINED (b)(6) (b)(7)(C) (b)(3)		REASON OBTAINED Evidence	TIME/DATE OBTAINED 2200hrs/ 19 JUL 2012
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)	
1	1	(b)(6) (b)(7)(C) (b)(3)	
2	1		
3	1		
////////	////////	Hard disk drive, Seagate, Momentus 7200.4, 320GB capacity, Serial # 5VJ9QE1J, classified: UNCLASSIFIED/FOUO (NIPR) -----NOTHING FOLLOWS-----	
CHAIN OF CUSTODY			
ITEM NO.	DATE	RELEASED BY	PURPOSE OF CHANGE OF CUSTODY
1-3	19 JUL 12	(b)(6) (b)(7)(C) (b)(3)	EVIDENCE
1-3	20 JUL 12	(b)(6) (b)(7)(C) (b)(3)	EVALUATION AS EVIDENCE
1-3	23 JUL 12	(b)(6) (b)(7)(C) (b)(3)	FORWARD TO EVIDENCE CUSTODIAN
1-3	1 AUG 12	SIGNATURE: RA 451 992 834 US NAME, GRADE OR TITLE: REGISTERED MAIL	RECEIVED BY: (b)(6) (b)(7)(C) (b)(3) EVIDENCE CUSTODIAN
		SIGNATURE:	
		NAME, GRADE OR TITLE:	

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

DOCUMENT NUMBER 786/12

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EXHIBIT 117

000431

0254-12-CID379-77988

FORENSIC LABORATORY EXAMINATION REQUEST

1. TO: Director USACIL <input type="checkbox"/> 4930 N. 31st Street Forest Park, GA 30297-5205 <input checked="" type="checkbox"/> Other (Specify): DFE Kuwait CID Office Task Force 502 (CID) Camp Arifjan, Kuwait APO AE 09366	2. FROM: Special Agent in Charge Kandahar CID Office Kandahar Airfield, Afghanistan APO AE 09355	4. EXAM PRIORITY <input checked="" type="radio"/> ROUTINE <input type="radio"/> EXPEDITE <input type="checkbox"/> Trial/Article 32/39A (*) <input type="checkbox"/> Subject in pre-trial confinement <input type="checkbox"/> Subject pending PCS/ Separation/Reenlist (*) <input type="checkbox"/> Other (Specify in Block 13) *Date _____	5. LAB USE ONLY a. LAB CASE # _____ b. METHOD OF RECEIPT _____ c. RECEIVED BY/DATE _____
	3. RETURN EVIDENCE TO: Special Agent in Charge Attn: Evidence Custodian Kuwait CID Office Task Force 502 (CID) Camp Arifjan, Kuwait APO AE 09366		

6. SUBMITTING AGENCY CASE NUMBER 0254-12-CID379-77688	7. TYPE OF OFFENSE Undetermined Death
---	---

8. PREVIOUS EVIDENCE SUBMITTED DATE: _____ MAIL METHOD: _____ LAB CASE #: _____ SUSPECT(S): _____

9. SUSPECT(S) [Last, first and middle name(s)] 1LT LORANCE, Clint Allen	10. VICTIM(S) [Last, first and middle name(s)] (b)(6) (b)(7)(C) (b)(3) MOHAMMAD, Aslam Haji (Deceased) HAO, Abdul (Deceased) (b)(6) (b)(7)(C) (b)(3)
---	---

11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED (e.g., Summary of investigation, crime scene sketches/photographs, statements) Preliminary investigation revealed on 30 Jun 12, 1LT Clint LORANCE was assigned as platoon leader for 1st Platoon, C Troop, 4th Squadron, 73rd Cavalry Regiment. On 1 Jul 12, 1LT LORANCE ordered members of his unit to conduct harassing fire into a village in an effort to encourage the villagers to attend a Shura. On 2 Jul 12, 1LT LORANCE lead a patrol and ordered members of his unit to engage a motorcycle with three civilian passengers without having positive identification they were Taliban. Two motorcycle riders were killed and the third fled on foot into a nearby village. Upon completion of the engagement, 1LT LORANCE denied the Company Operations Intelligence Support Team the opportunity to conduct battle damage assessment on the decedents. Additionally, 1LT LORANCE denied entering the deceased into the secure electronic enrollment kit and conduct ex-spray stating, "you won't like what you find out." Later in the patrol, 1LT LORANCE's platoon entered into another engagement where, in accordance with the rules of engagement, two males were engaged and believed to be killed while they were utilizing ICOM radios.
--

12. EVIDENCE SUBMITTED	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
1	Hard drive, Item 1, DN
2	Hard drive, Item 1, DN
3	Hard drive, Item 2, DN
4	Hard drive, Item 3, DN

0254-12-CID379-77688

12. EVIDENCE SUBMITTED (Continued)	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
<p>13. EXAMINATION(S) REQUESTED (Briefly furnish any information or instructions that might assist the laboratory in examining the evidence)</p> <p>Digital Forensics: Please conduct a search of exhibits 1-4 for evidence of any correspondence, notes, documents, or pictures pertaining to any engagements. Conduct any other tests deemed appropriate.</p>	
<p>14.a. INVESTIGATOR AND ALTERNATE POC (Typed or Printed) (Mandatory Information)</p> <p>(b)(6) (b)(7)(C) (b)(3)</p>	<p>b. TELEPHONE (Primary/Alt): None</p> <p>c. DSN (Primary/Alt): DSN 318-421-6449</p> <p>d. Fax: (b)(6) (b)(7)(C) (b)(3)</p> <p>e. E-Mail: (b)(6) (b)(7)(C) (b)(3)</p>
<p>15. I CERTIFY EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION</p>	
<p>a. DATE</p> <p>2012-07-25</p>	<p>b. TYPED/PRINTED NAME OF REQUESTOR</p> <p>(b)(6) (b)(7)(C) (b)(3)</p> <p>(b)(6) (b)(7)(C) (b)(3)</p> <p>d. TELEPHONE (Primary/Alt): None</p> <p>e. DSN (Primary/Alt): 318-421-6453</p> <p>f. Fax: (b)(6) (b)(7)(C) (b)(3)</p> <p>g. E-Mail: (b)(6) (b)(7)(C) (b)(3)</p>
<p>16. LAB USE ONLY</p> <p>LAB CASE #</p>	

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MPR/CID SEQUENCE NUMBER 0254-12-CID379	
For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command		CRD REPORT/CID ROI NUMBER 77688	
RECEIVING ACTIVITY Kandahar CID Office		LOCATION Kandahar Airfield, APO AE 09355	
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER Recovery Scene <input checked="" type="checkbox"/> OTHER		ADDRESS (Include Zip Code) N/A	
LOCATION FROM WHERE OBTAINED From case file 0254-12-CID379-77688 while located inside the Kandahar CID Office, Kandahar Airfield, Afghanistan APO AE 09355		REASON OBTAINED Evidence	TIME/DATE OBTAINED 1800/31 Jul 12
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)	
1	1	SHEET OF PAPER, white in color, standard 8 1/2" X 11", paper type construction, containing three, 3" X 3" pieces of paper in which two were yellow in color and one was purple in color, all three pieces of paper were paper type construction, and contained handwritten notes. The pieces of paper were affixed to the sheet of paper with opaque in color tape and aligned with the purple piece of paper on the bottom of the sheet and extend to the top of the sheet of paper. The handwriting began on the purple piece of paper and ended with the yellow piece of paper with "Ranes/AIP. I'm always here" The sheet of paper also contained "Conversation (b)(6) (b)(7)(C) (b)(3) The sheet of paper containing the notes was placed in an envelope, sealed and MFID with 1800/31 (b)(6) (b)(7)(C) (b)(3) (Case File)	
LAST ITEM			
CHAIN OF CUSTODY			
ITEM NO.	DATE	RELEASED BY SIGNATURE NAME, GRADE OR TITLE	RECEIVED BY SIGNATURE NAME, GRADE OR TITLE
1	31 Jul 12	N/A Recovery Scene	(b)(6) (b)(7)(C) (b)(3) Evaluation as Evidence
1	1 Aug 12	(b)(6) (b)(7)(C) (b)(3)	RA 451 992 941 US Registered Mail Forward to evidence custodian
1	7 AUG 2012	RA 451 992 941 US REGISTERED MAIL	(b)(6) (b)(7)(C) (b)(3) SCRCNI RECEIVED BY EVIDENCE CUSTODIAN
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and
DA FORM 4137-R Privacy Act Statement
26 Sep 75 Which are Obsolete.

LOCATION

DOCUMENT
NUMBER

843/12

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EXHIBIT 000434

0254-12-CID379-77688

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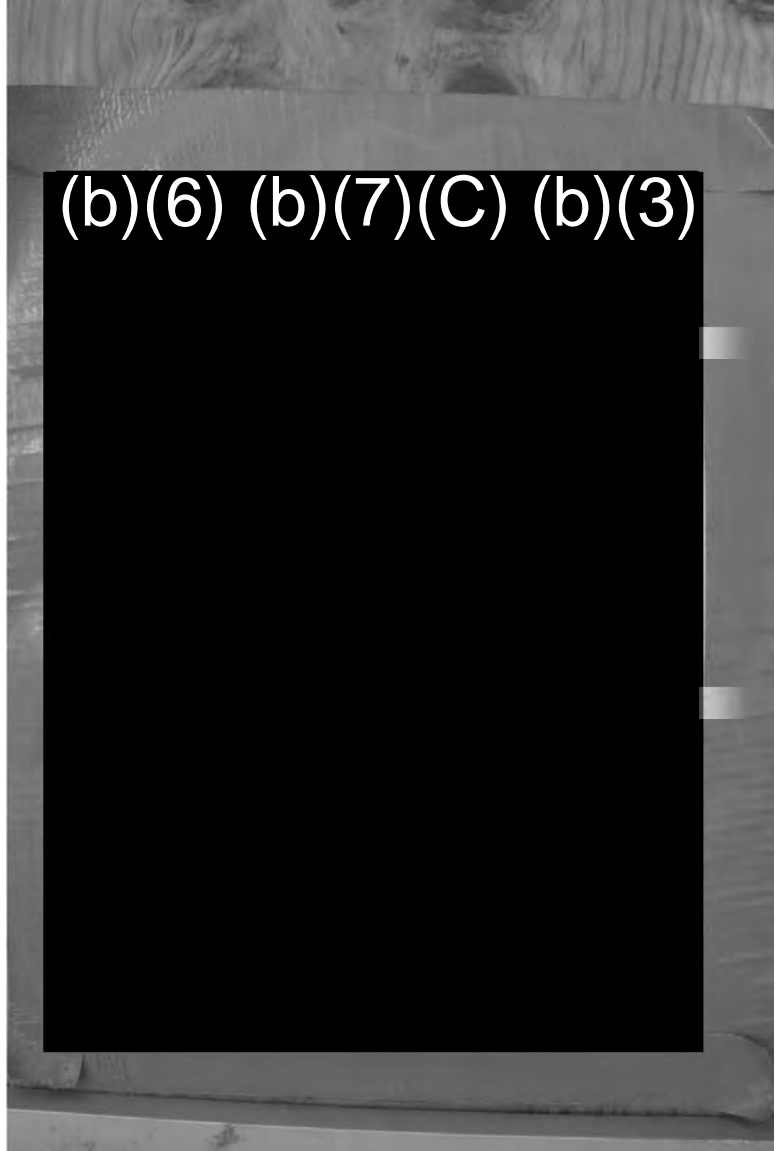
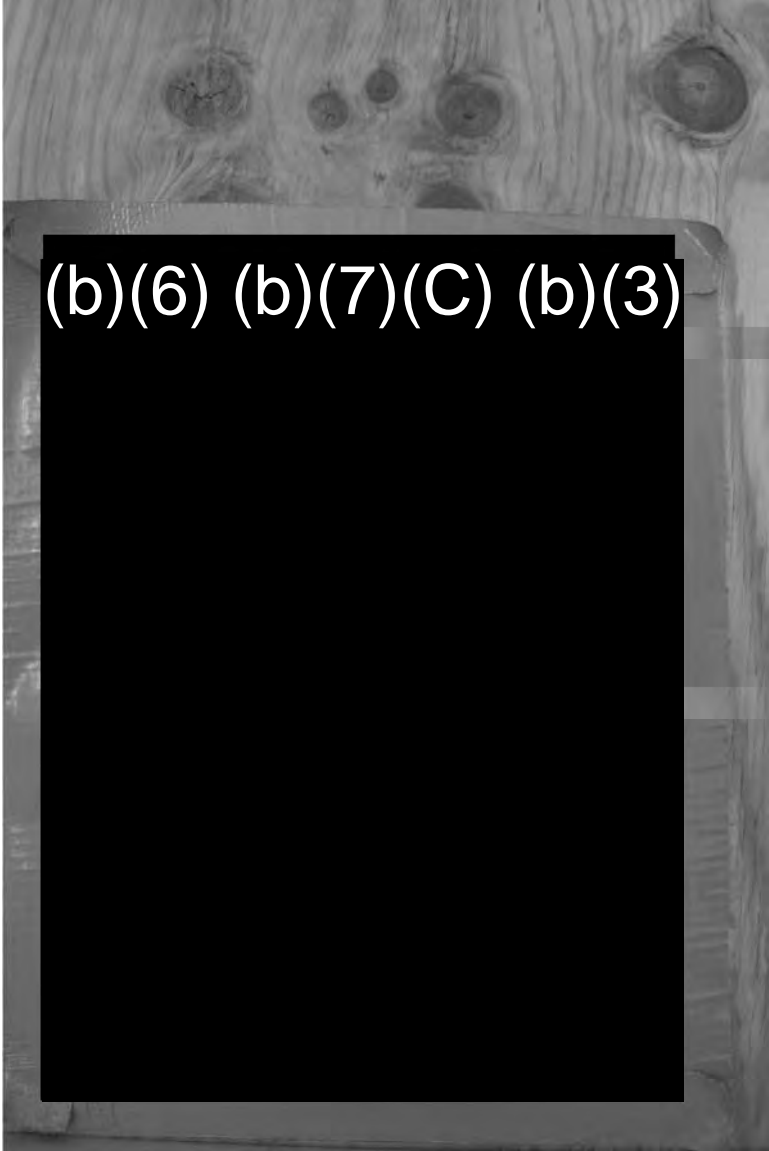
Photographic Packet with Index 1st
Platoon P.I.R

7 July 12

(CRC)

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Exhibit 120



0254-12-CID379-77688

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Law Enforcement Sensitive

Engagement 1 Photographic Packet
with Index
(CRC)

For Official Use Only
Law Enforcement Sensitive

Exhibit 121









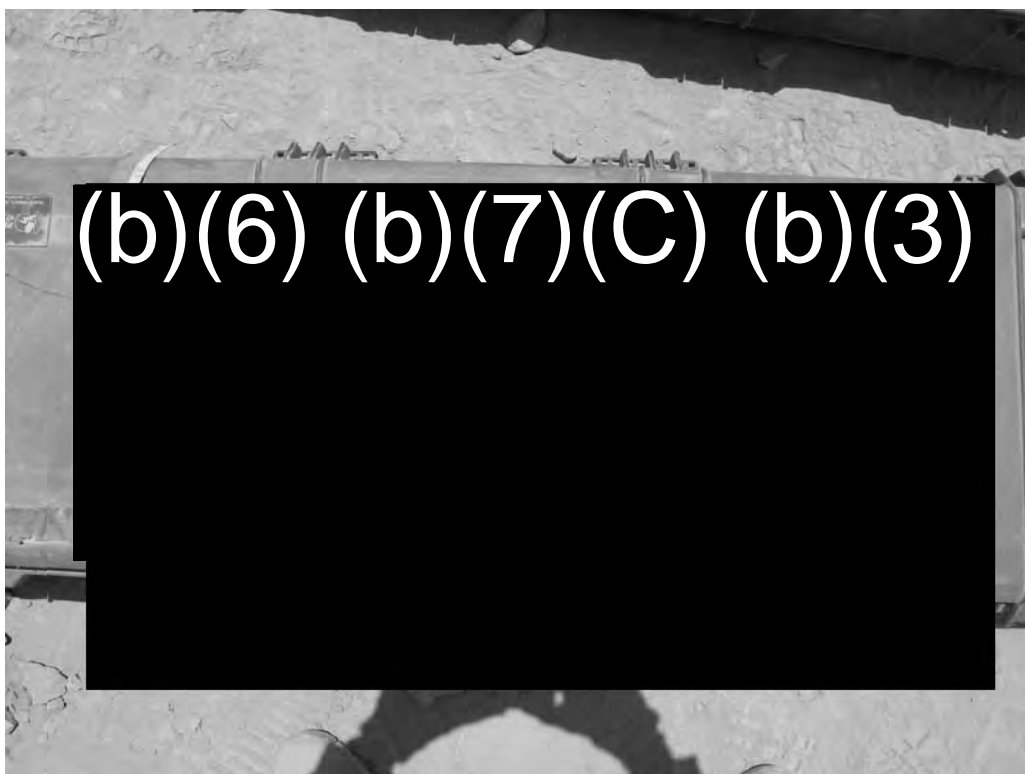
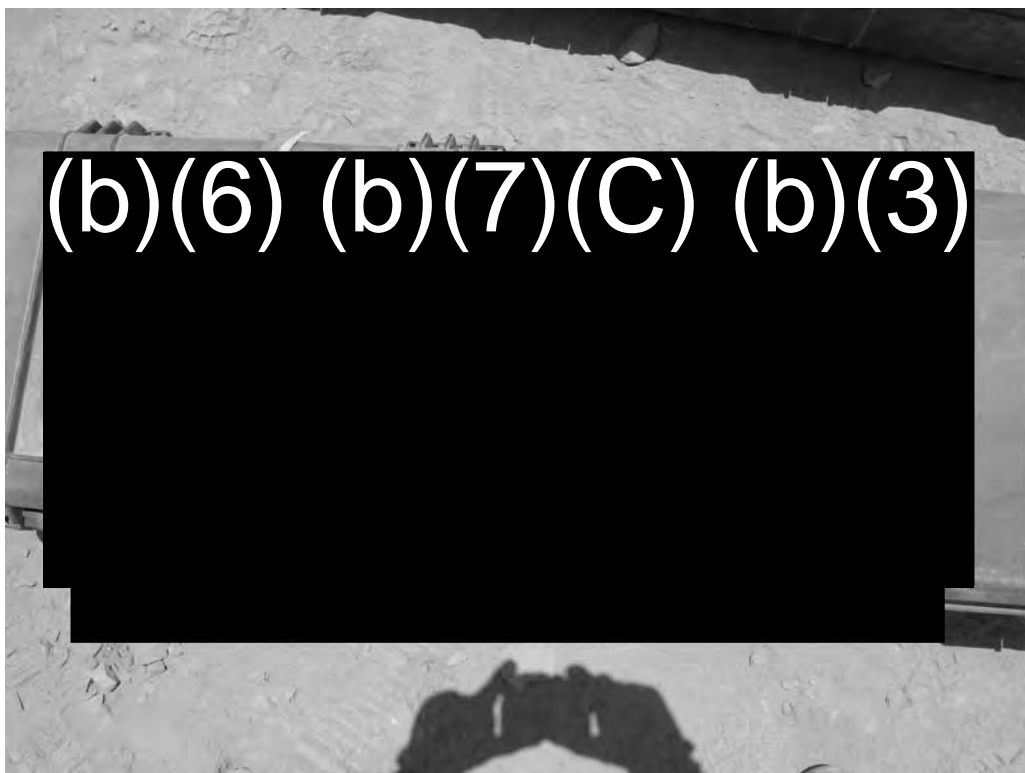


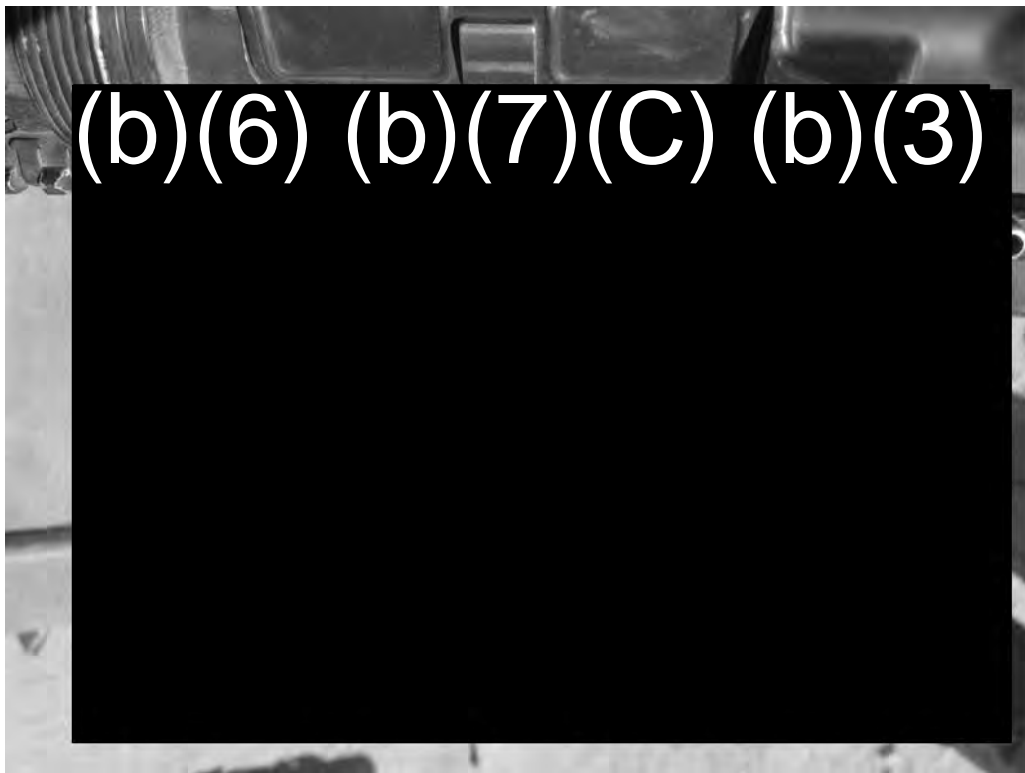


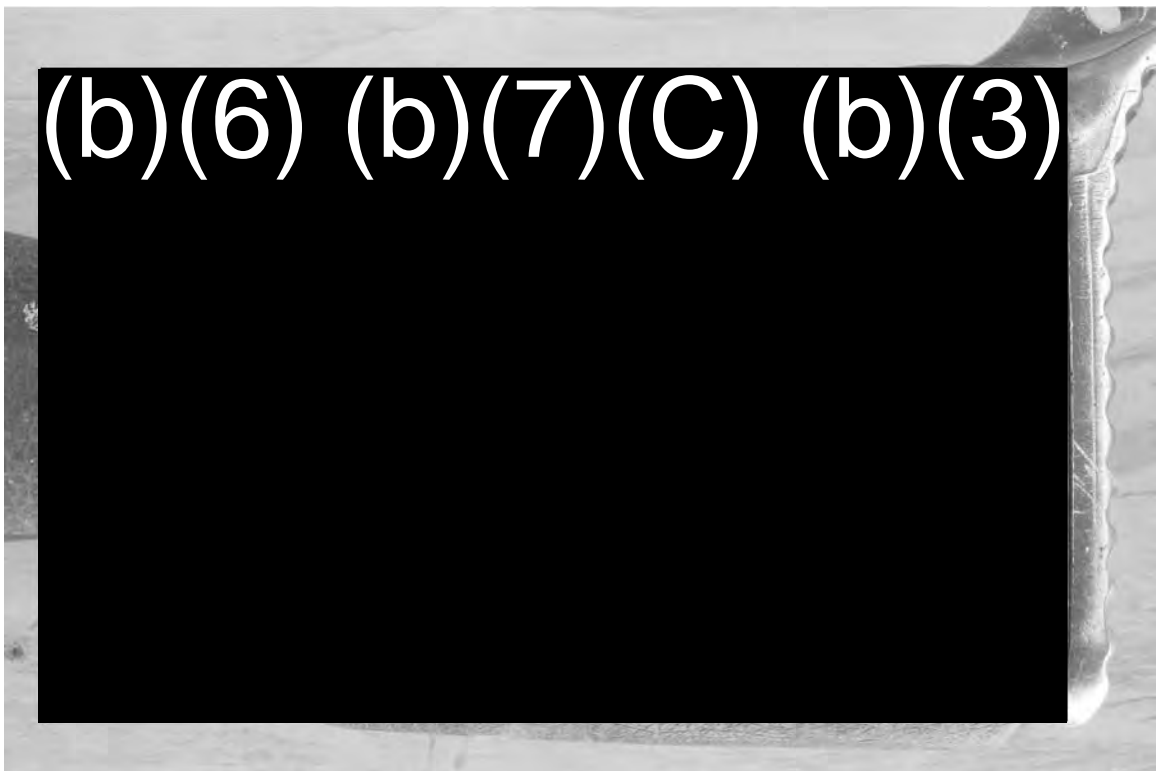
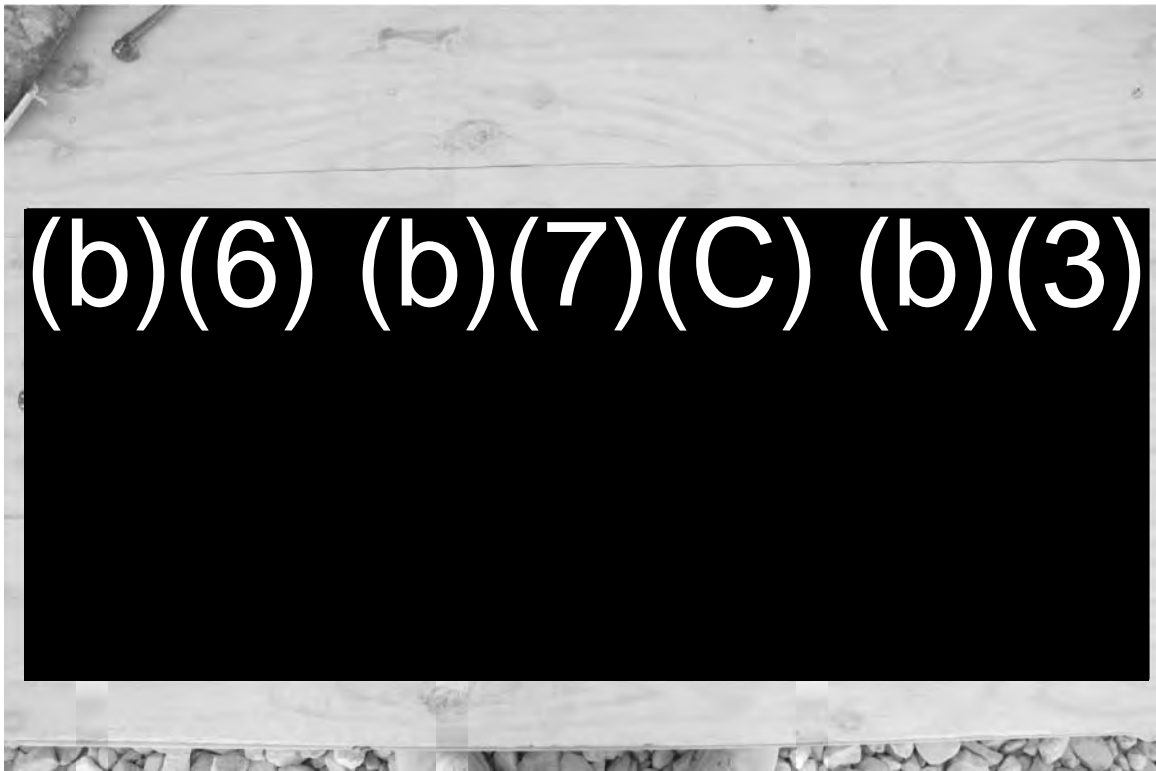












(b)(6) (b)(7)(C) (b)(3)

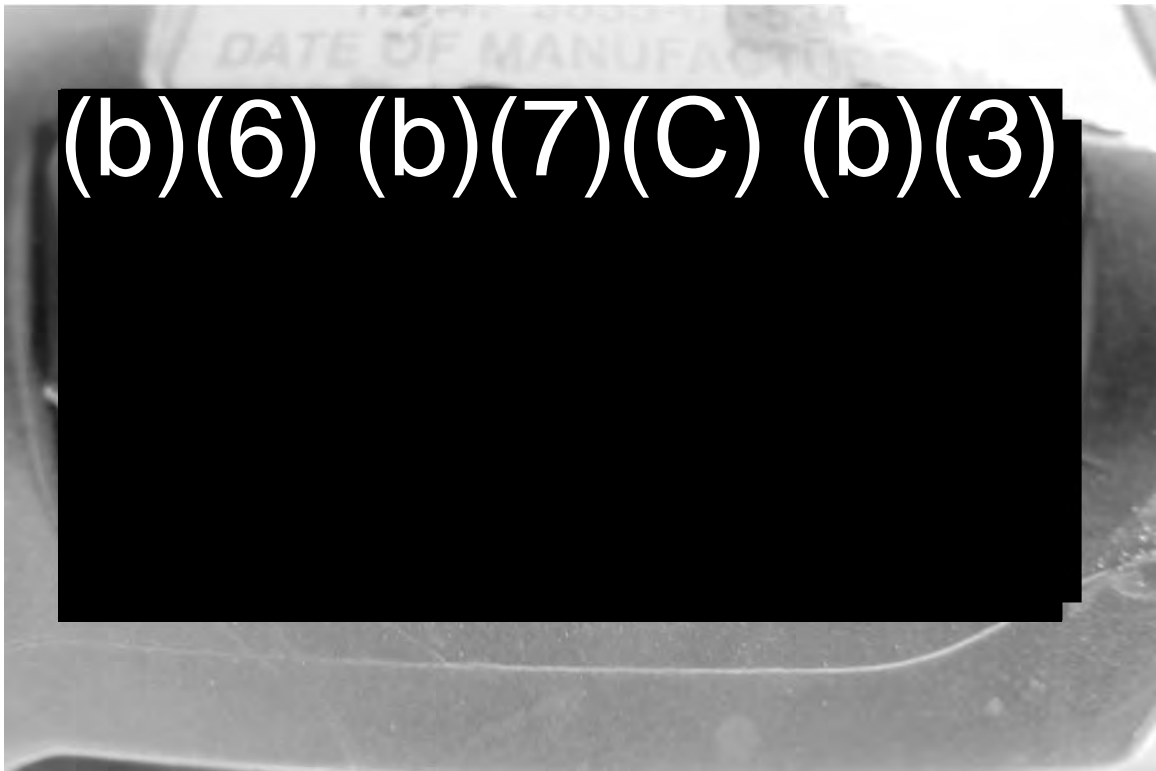


(b)(6) (b)(7)(C) (b)(3)









0254-12-CID379-77688

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Engagement 2 Photographic Packet
with Index
(CRC)

For Official Use Only
Law Enforcement Sensitive

Exhibit 122









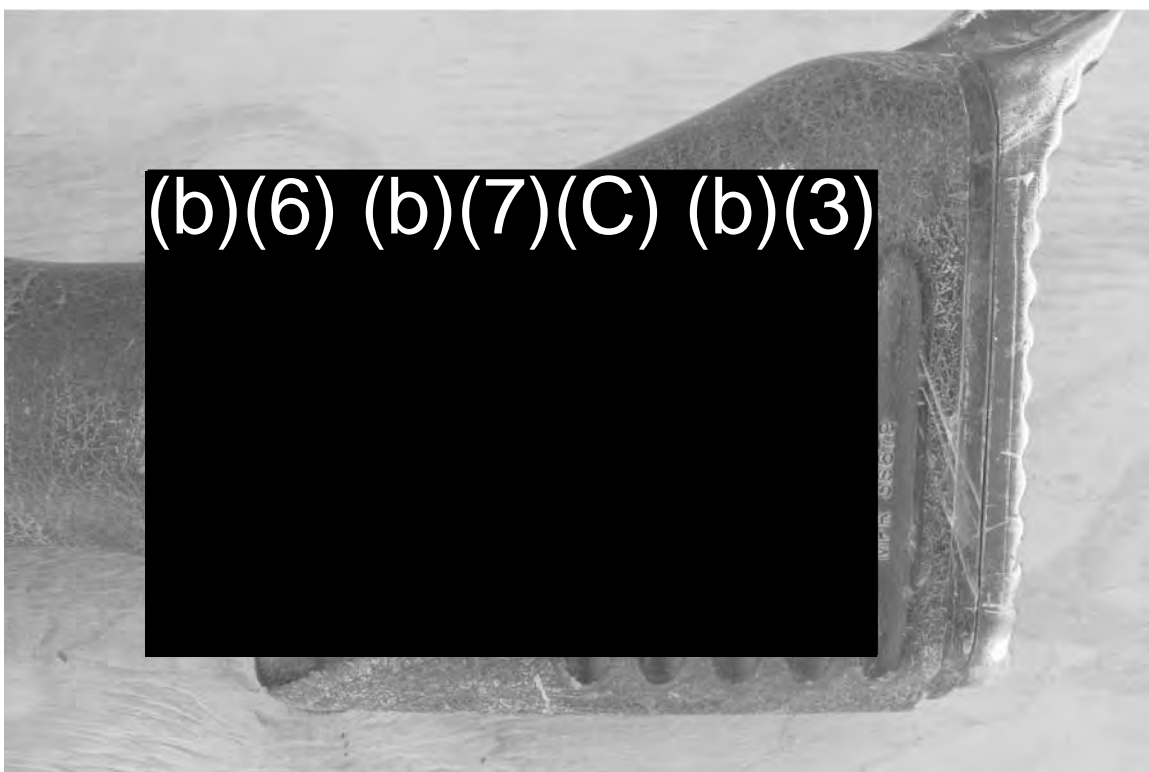
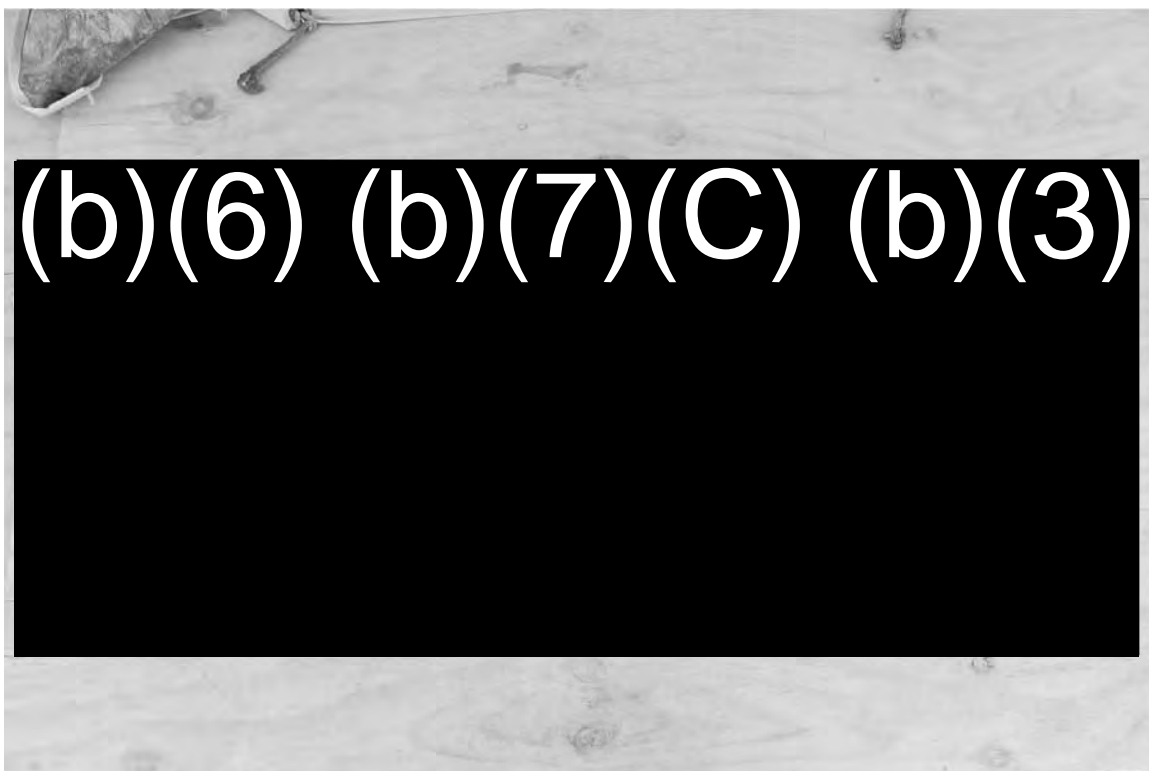


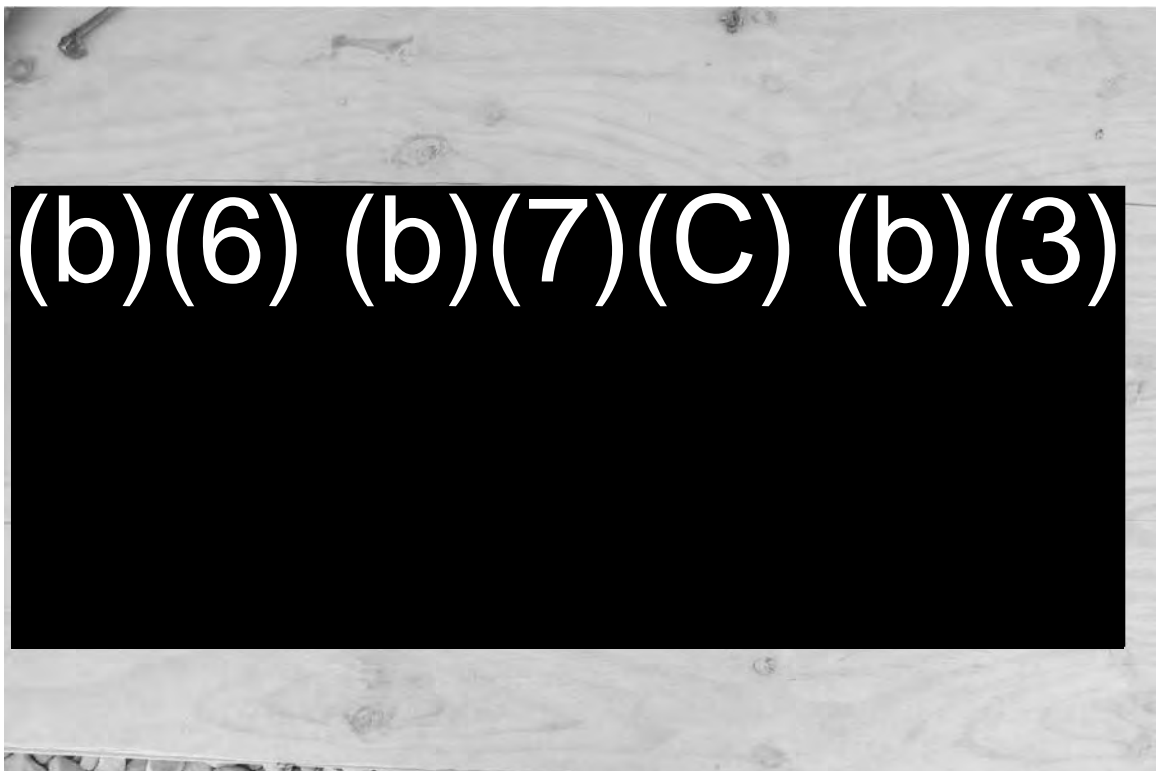




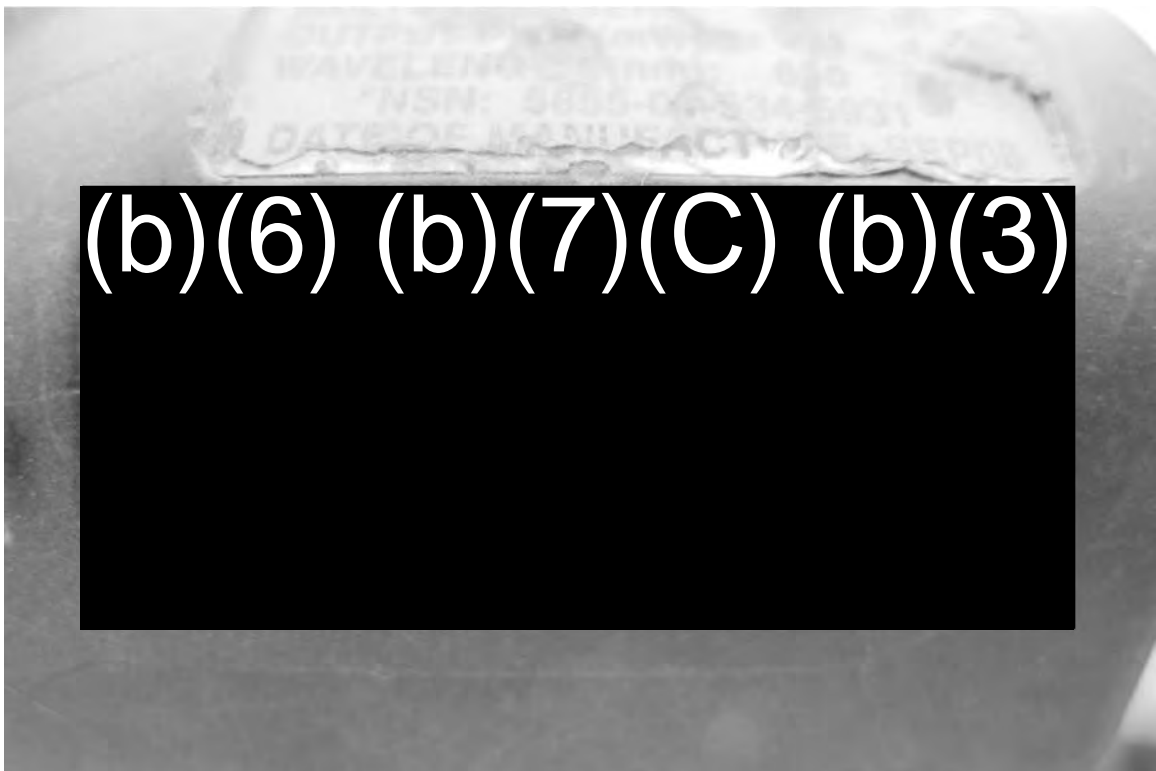












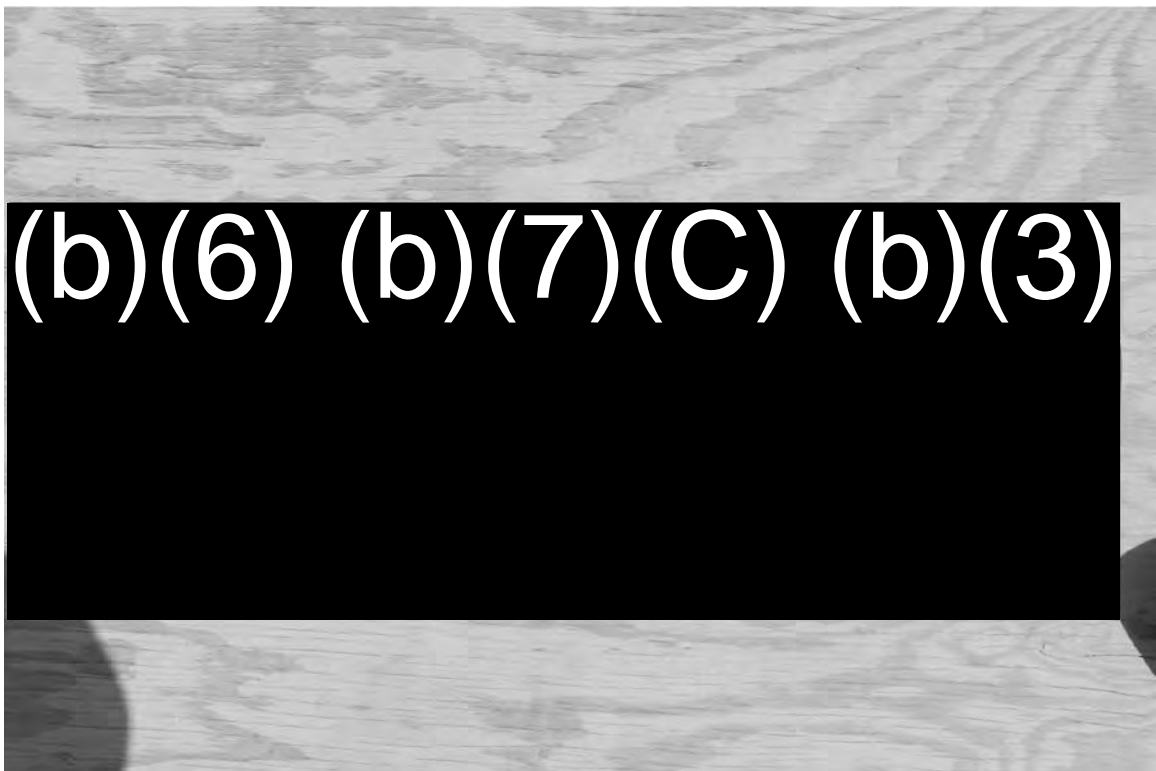
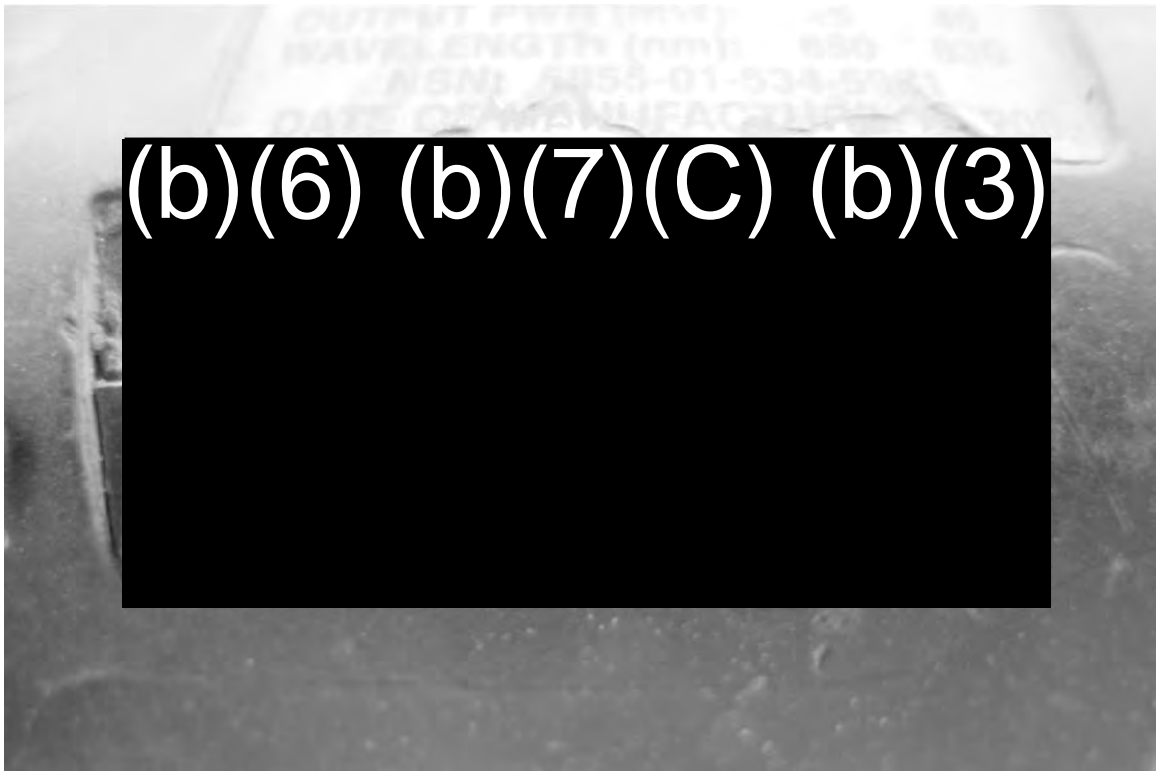
(b)(6) (b)(7)(C) (b)(3)



(b)(6) (b)(7)(C) (b)(3)



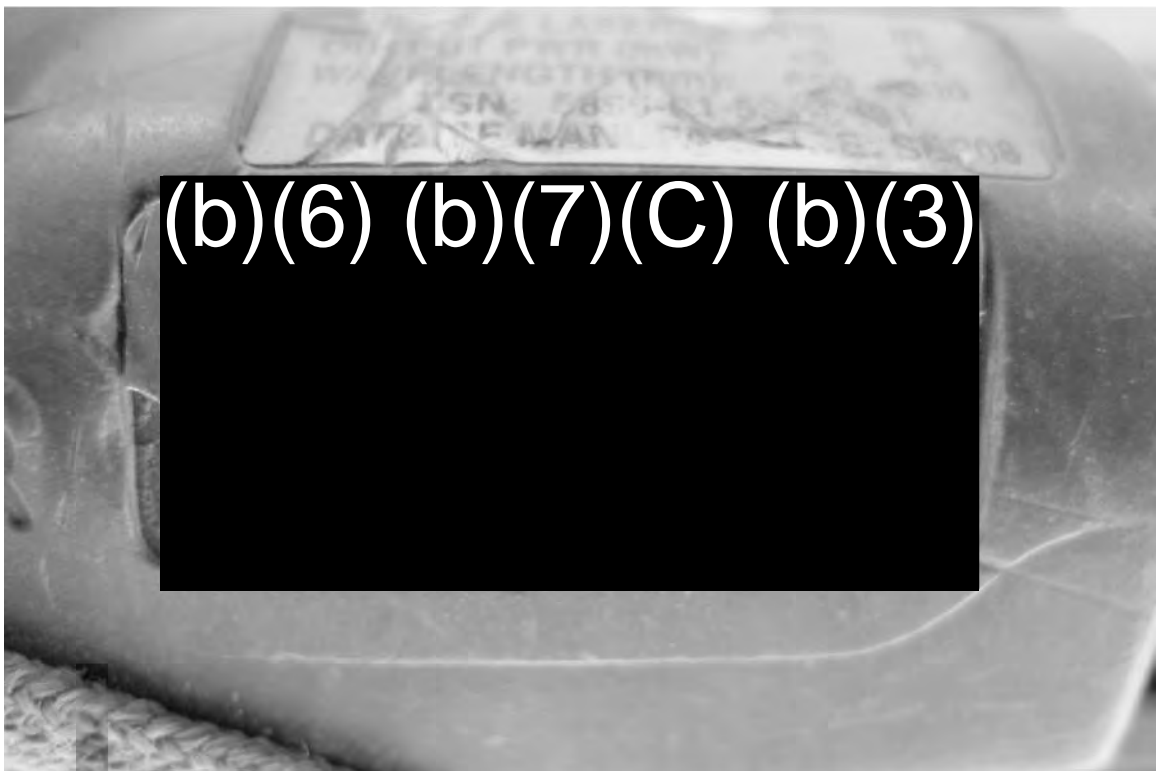




(b)(6) (b)(7)(C) (b)(3)







0254-12-CID379-77688

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Tower Engagement Photographic
Packet with Index
(CRC)

For Official Use Only
Law Enforcement Sensitive

Exhibit 123













0254-12-CID379-77688

For Official Use Only
Law Enforcement Sensitive

All Images
(CRC)

For Official Use Only
Law Enforcement Sensitive

Exhibit 124

(b)(6) (b)(7)(C) (b)(3)



(b)(6) (b)(7)(C) (b)(3)

















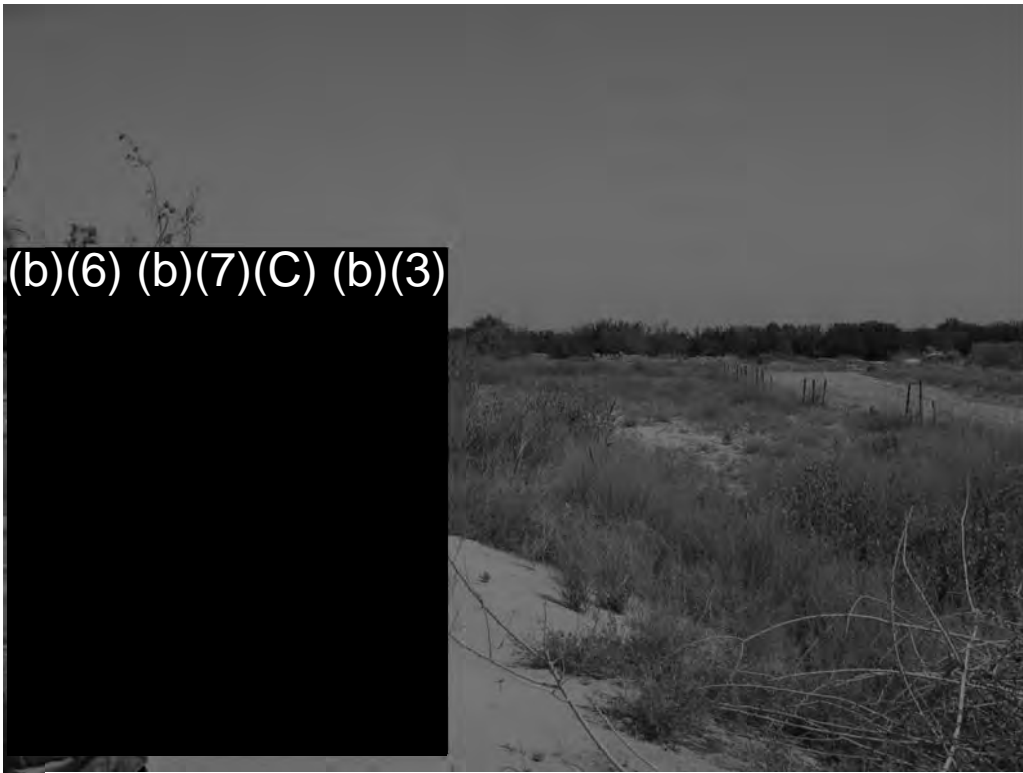
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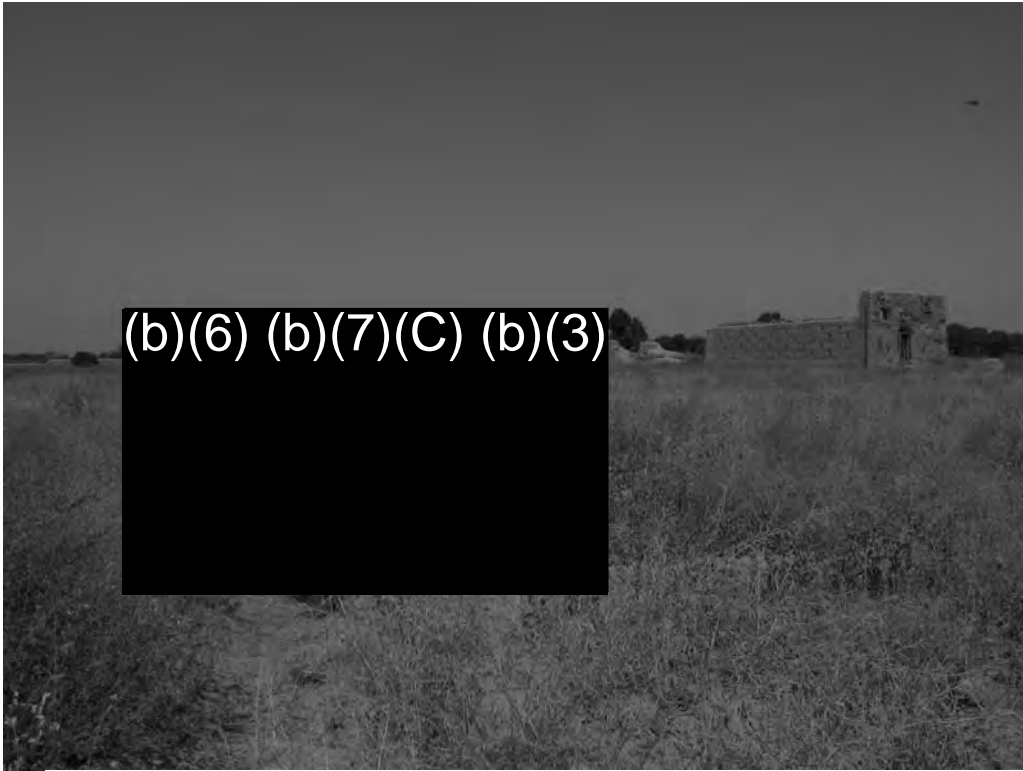






































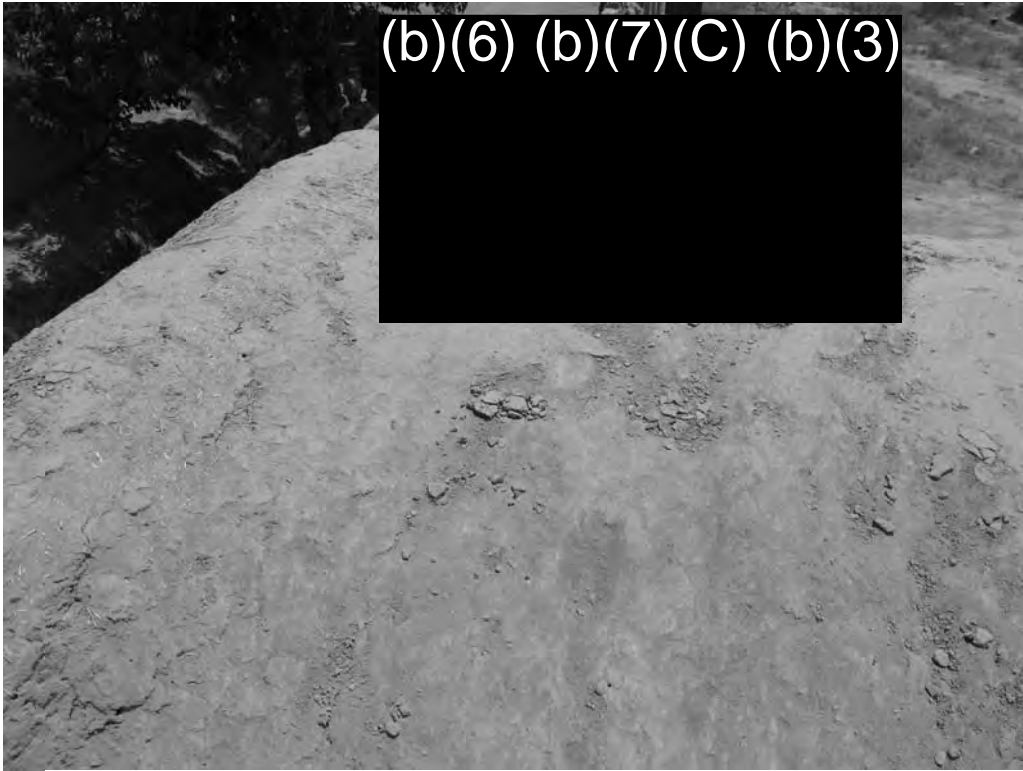


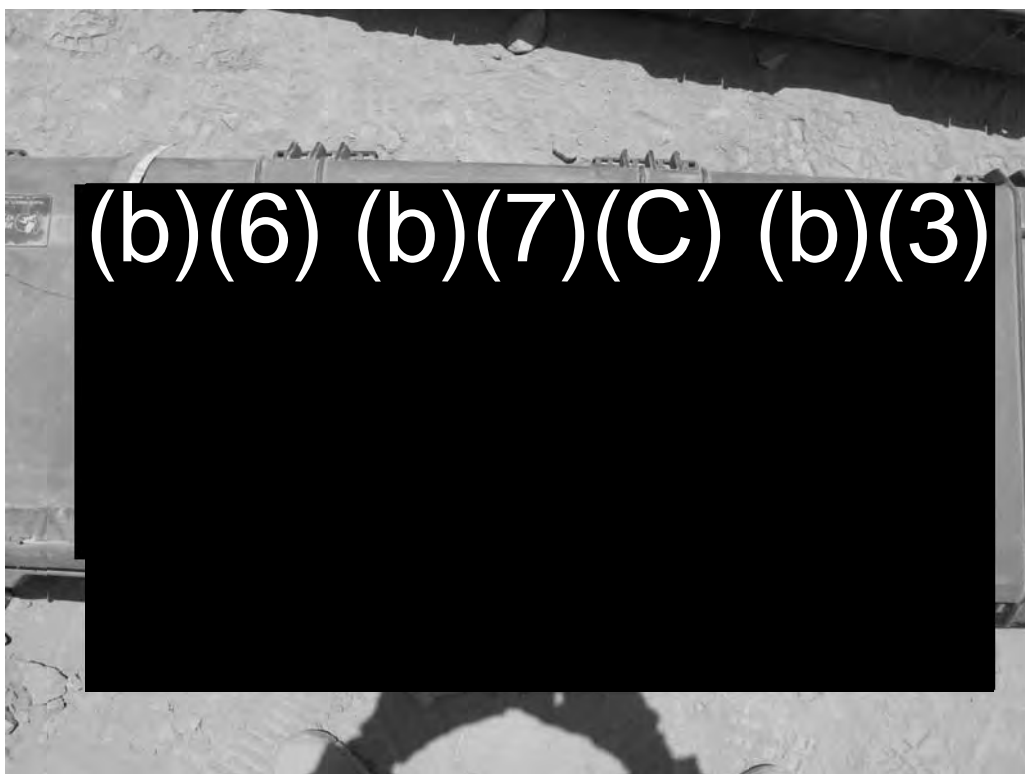
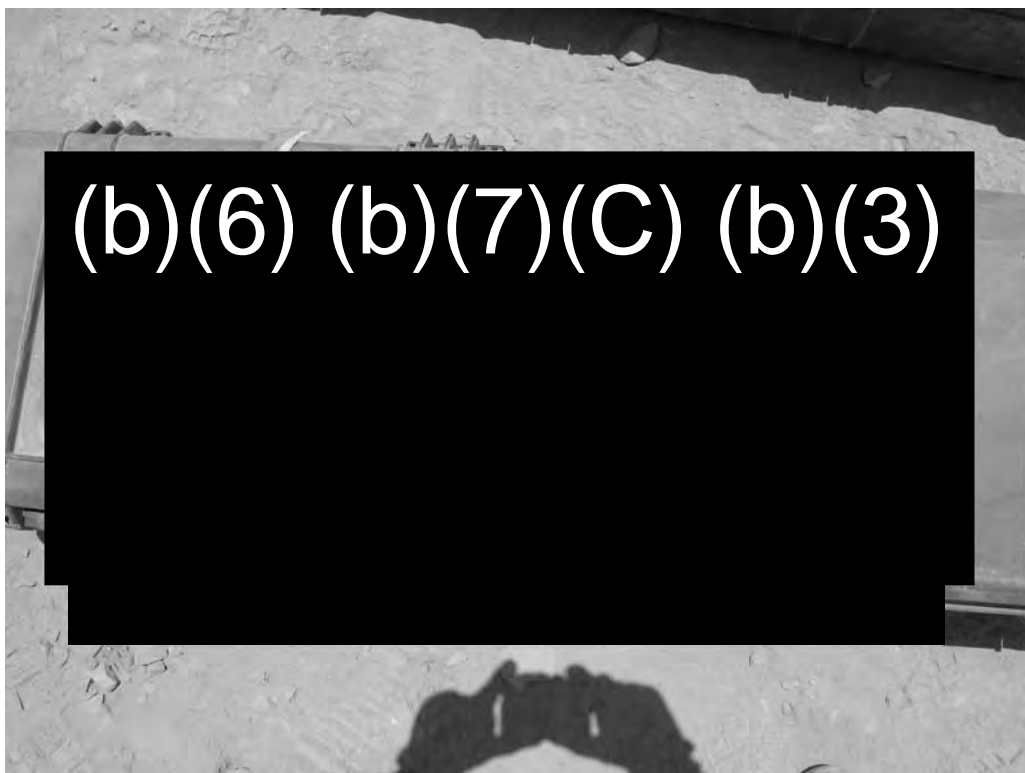


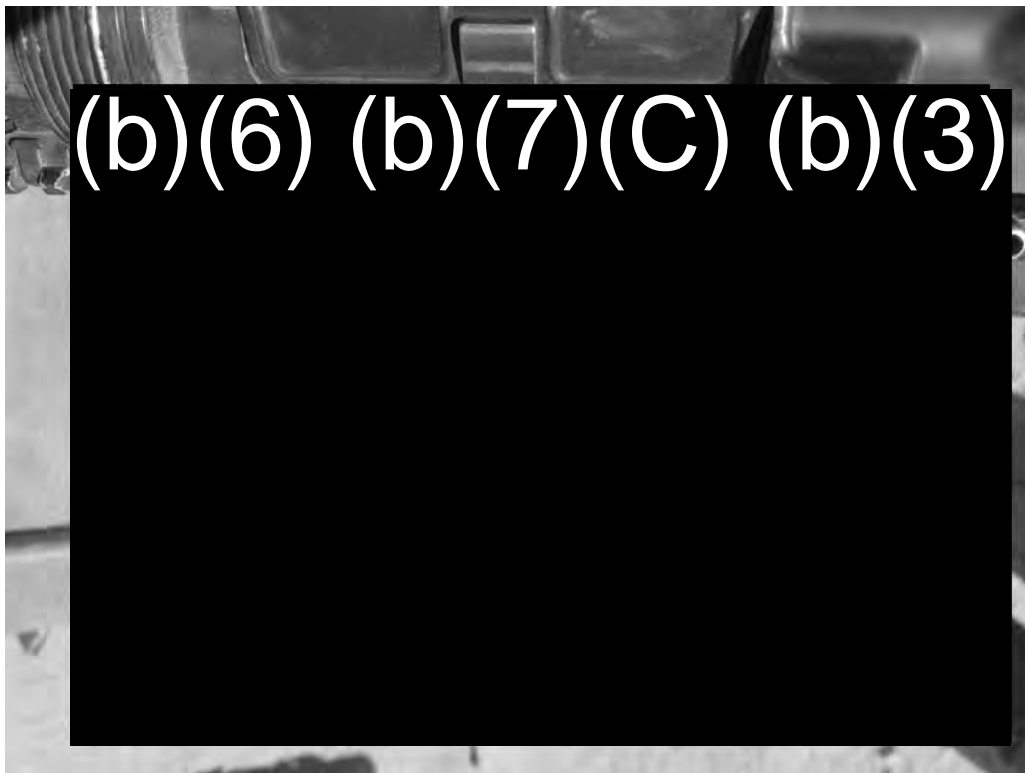


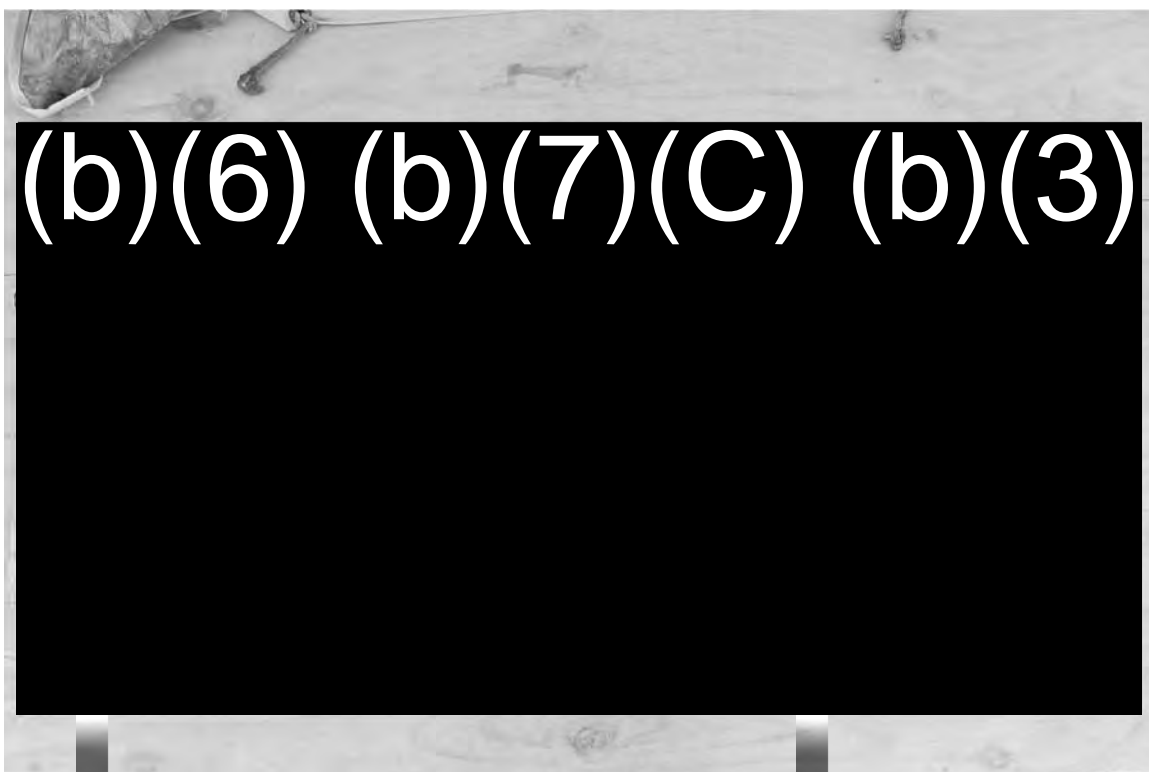




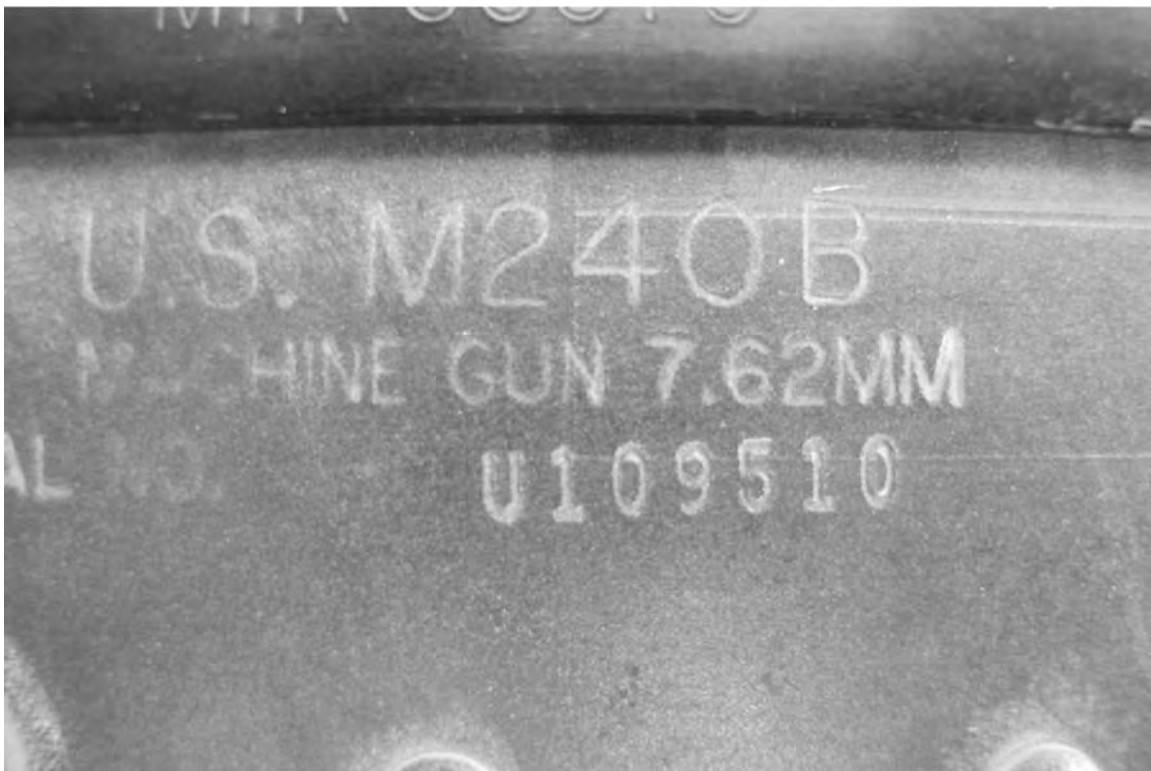


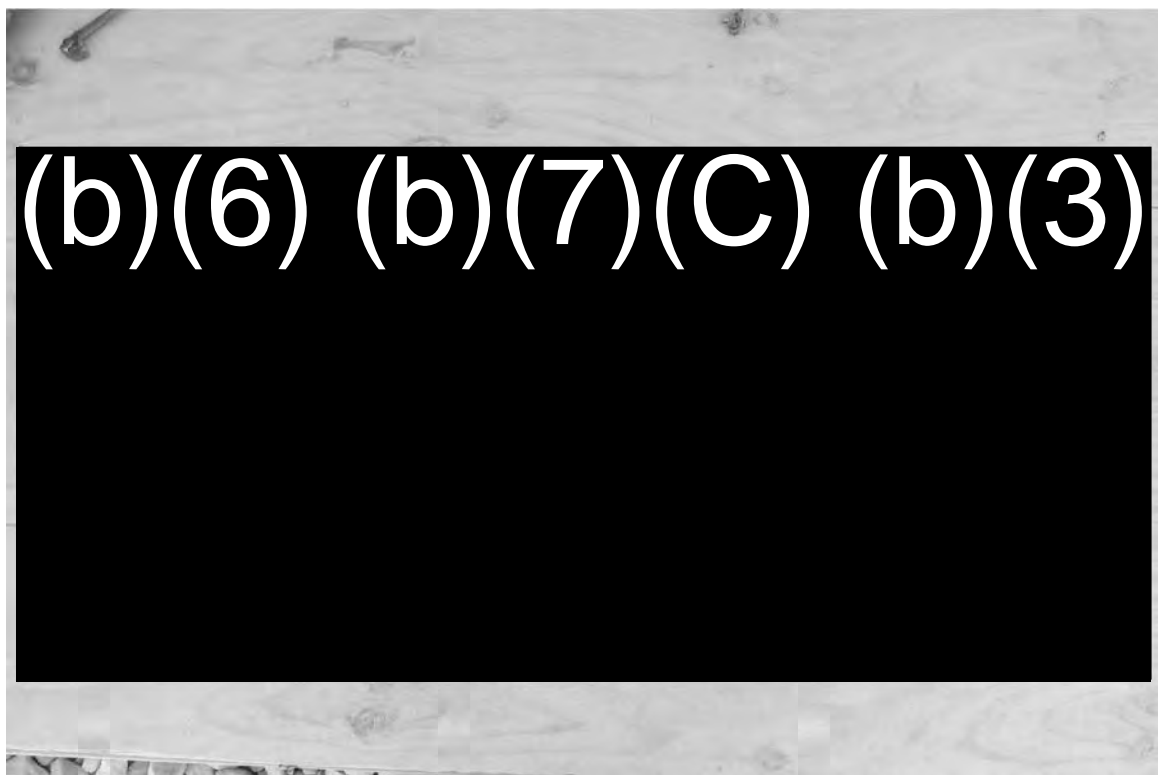




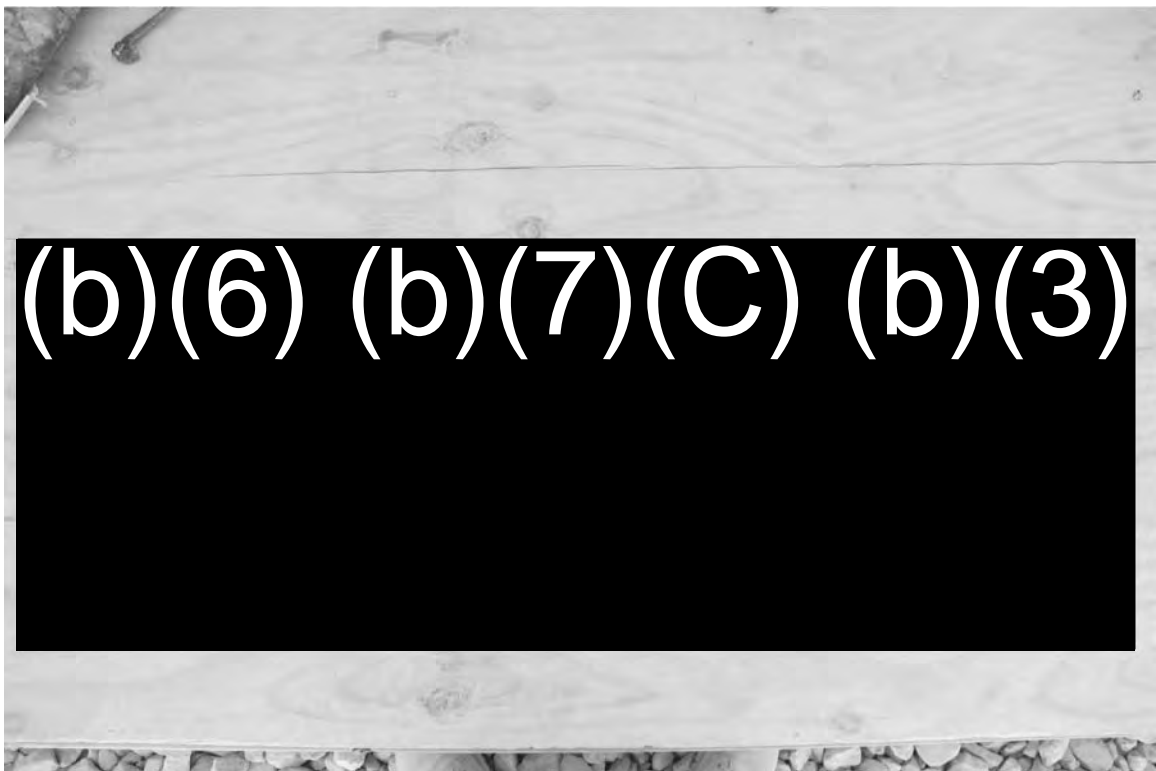
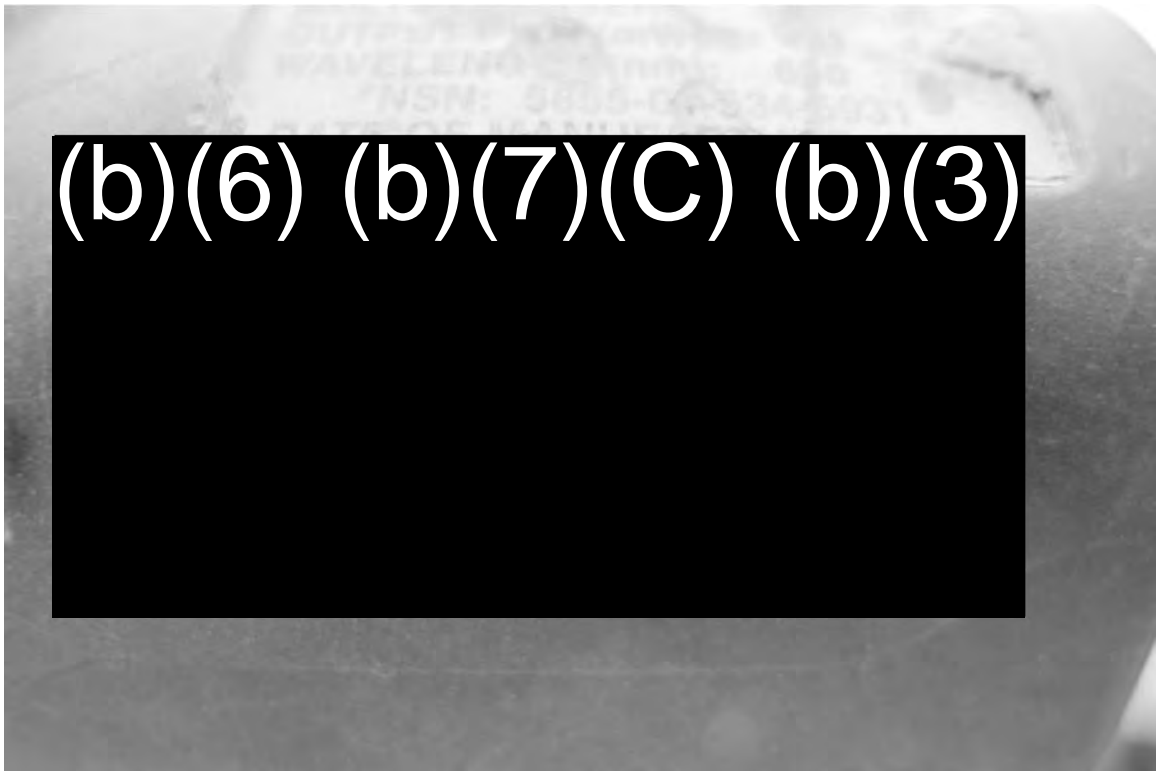


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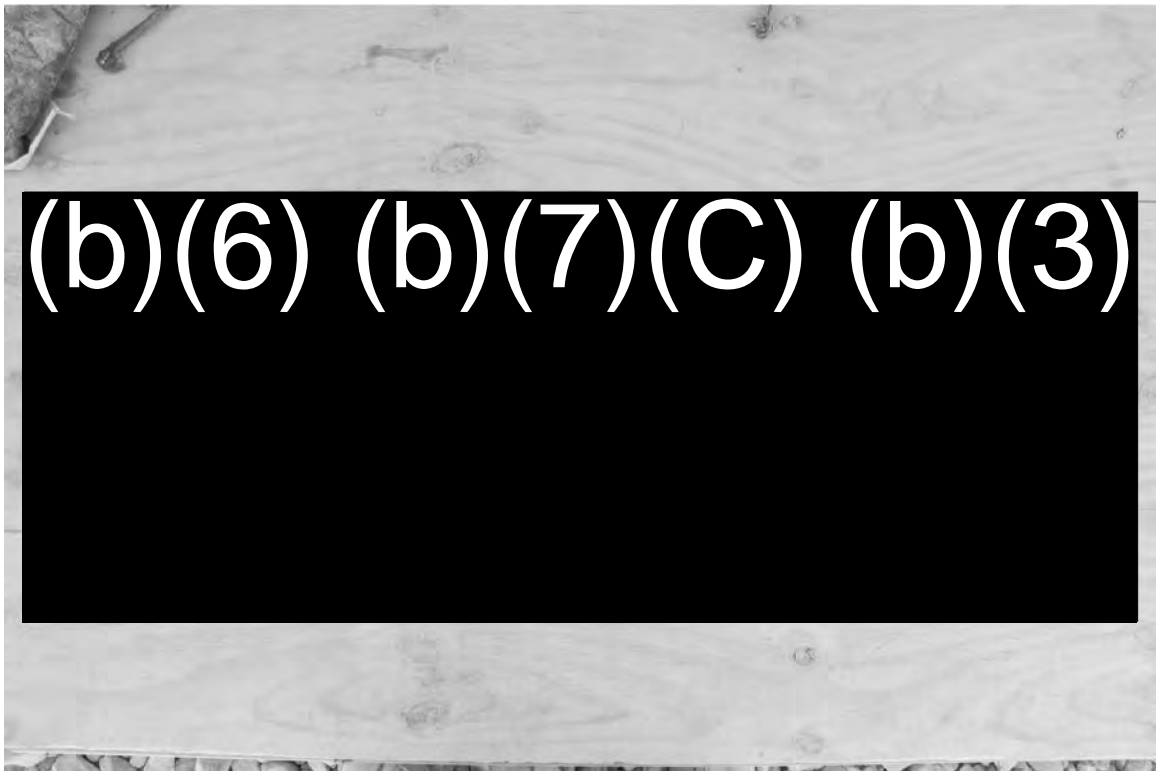


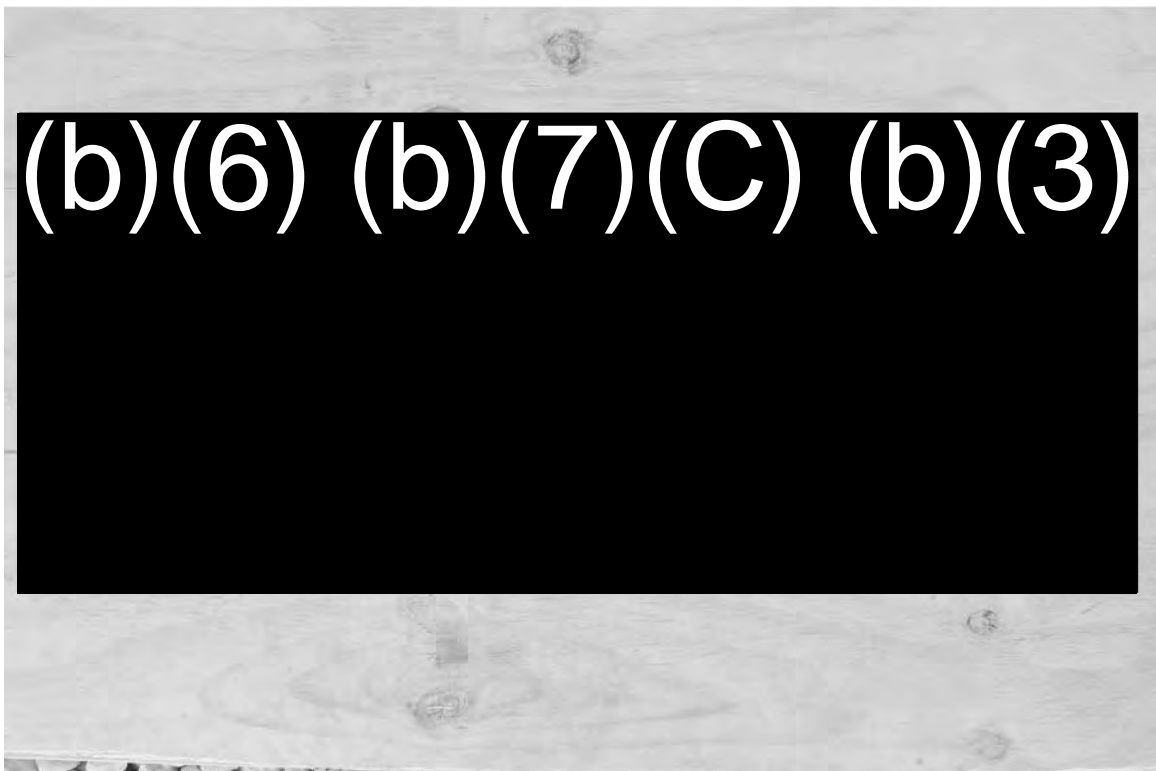


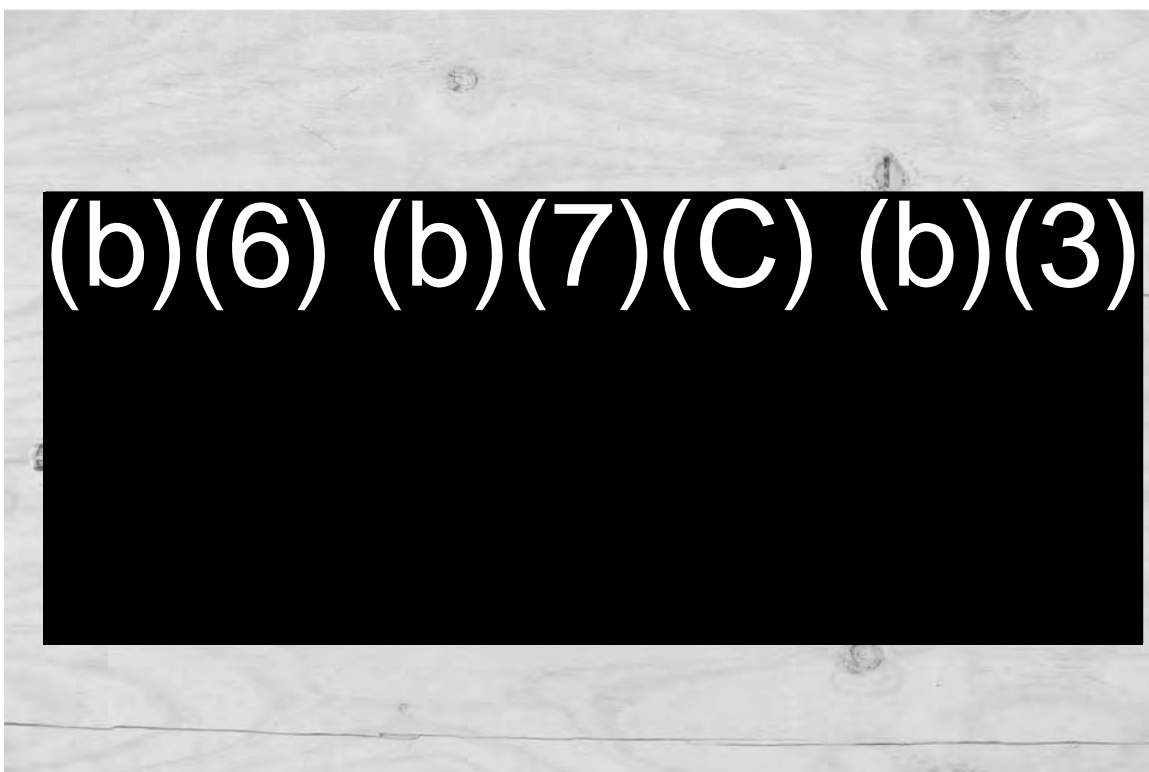


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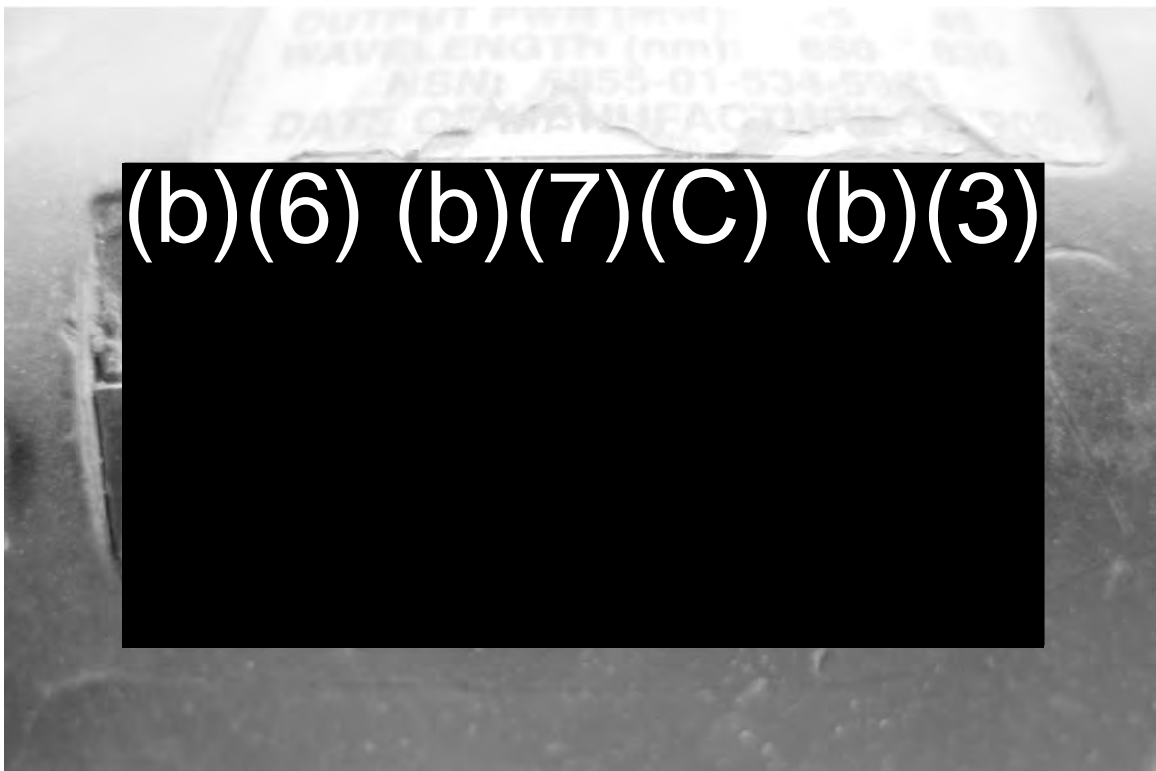
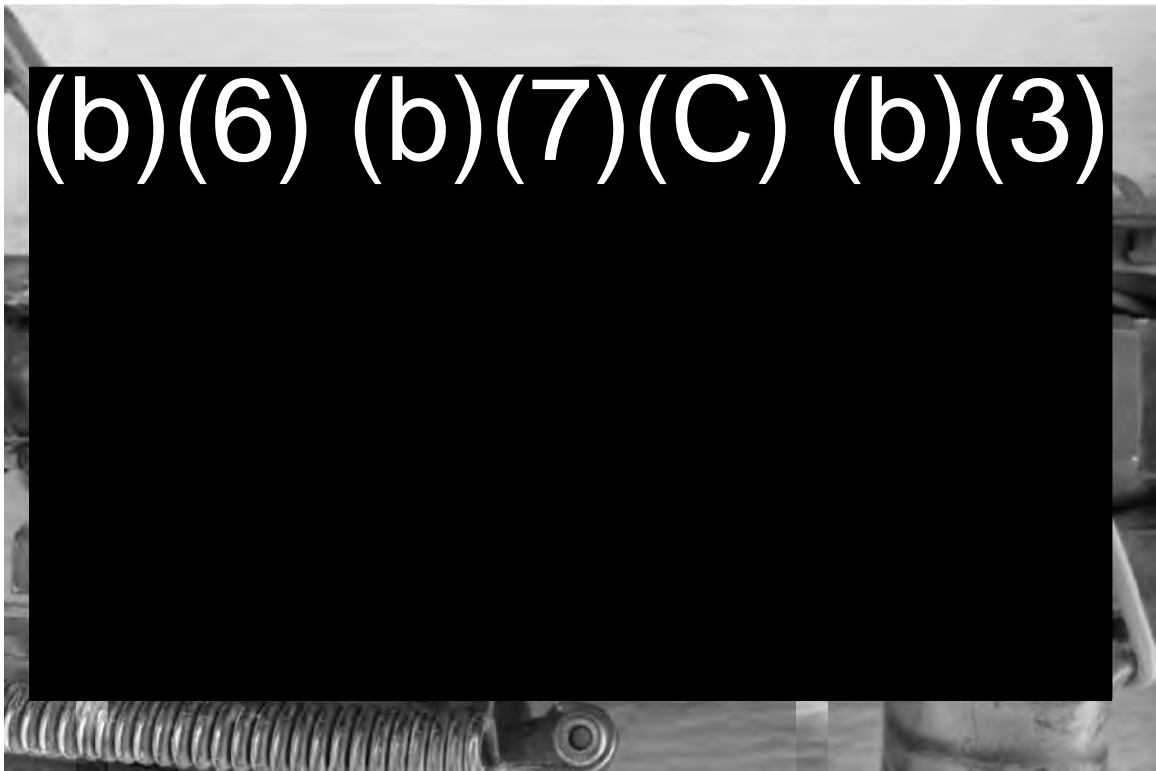










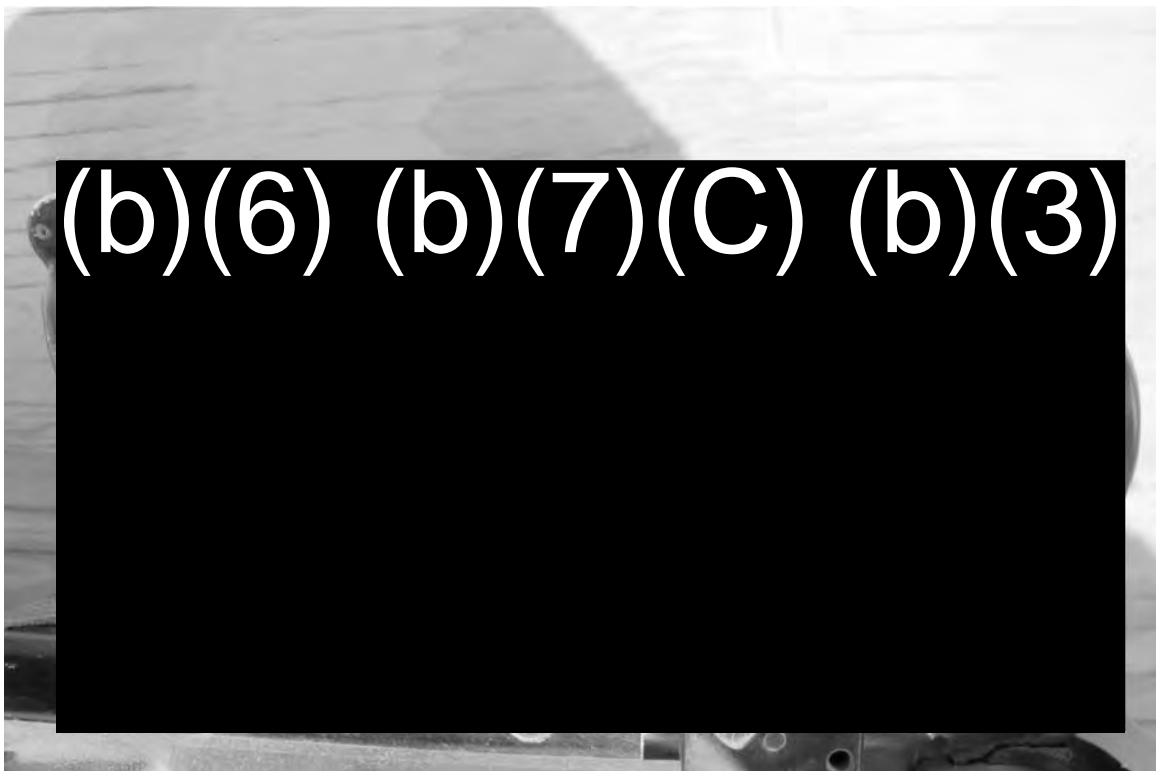


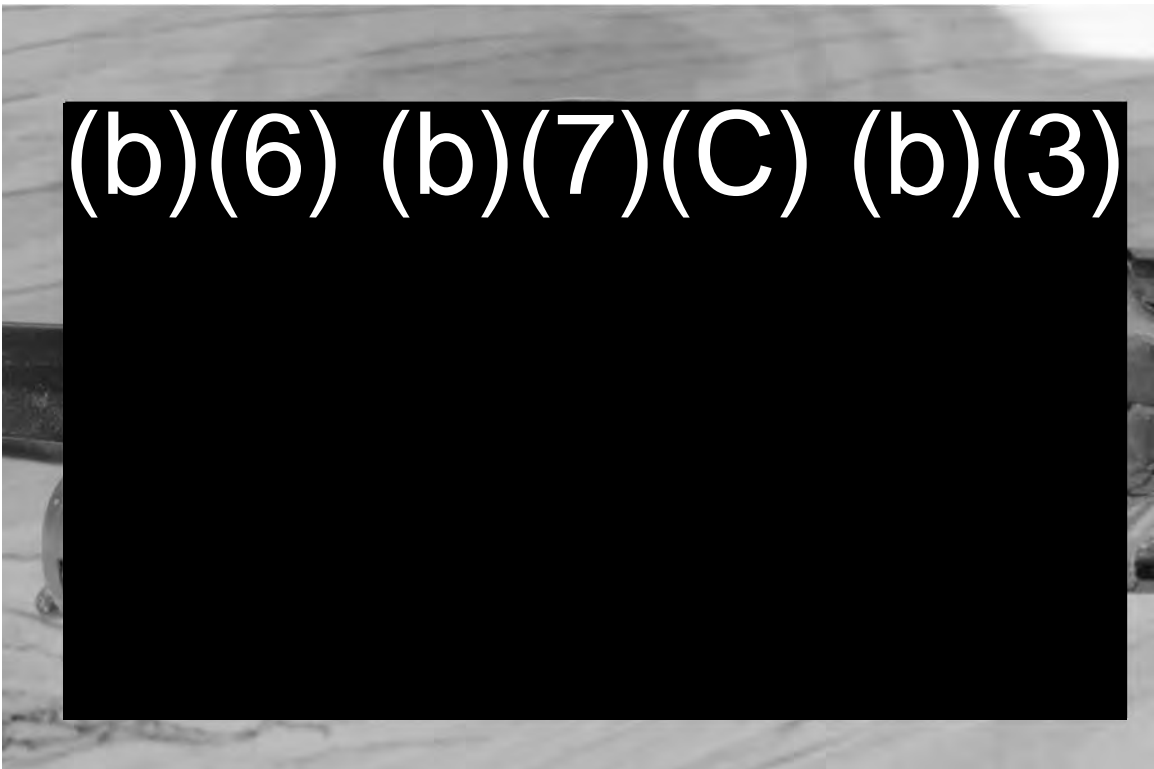
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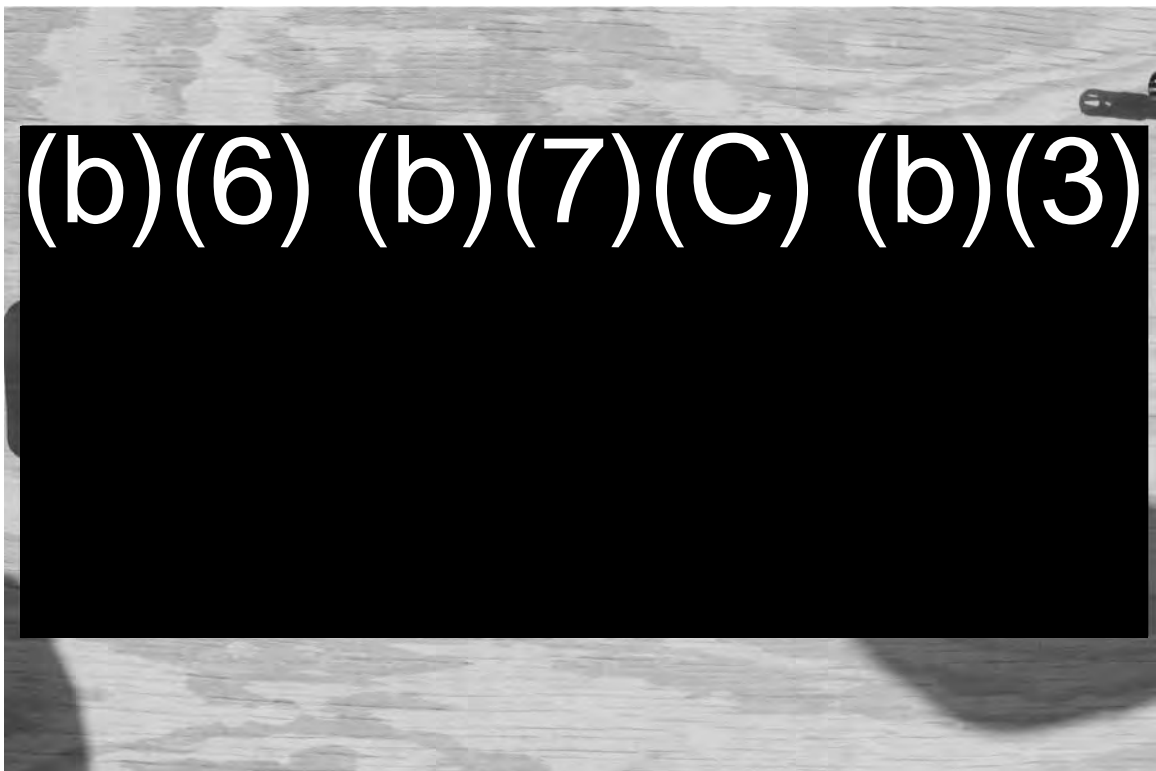
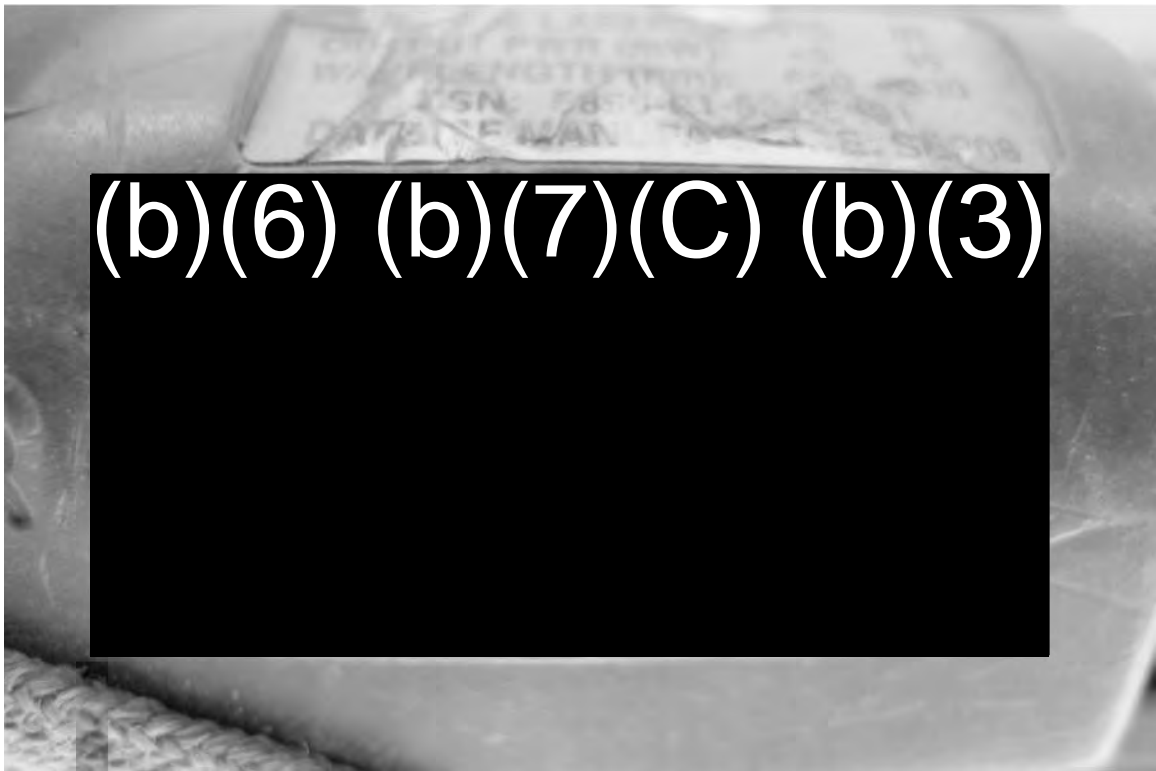


(b)(6) (b)(7)(C) (b)(3)

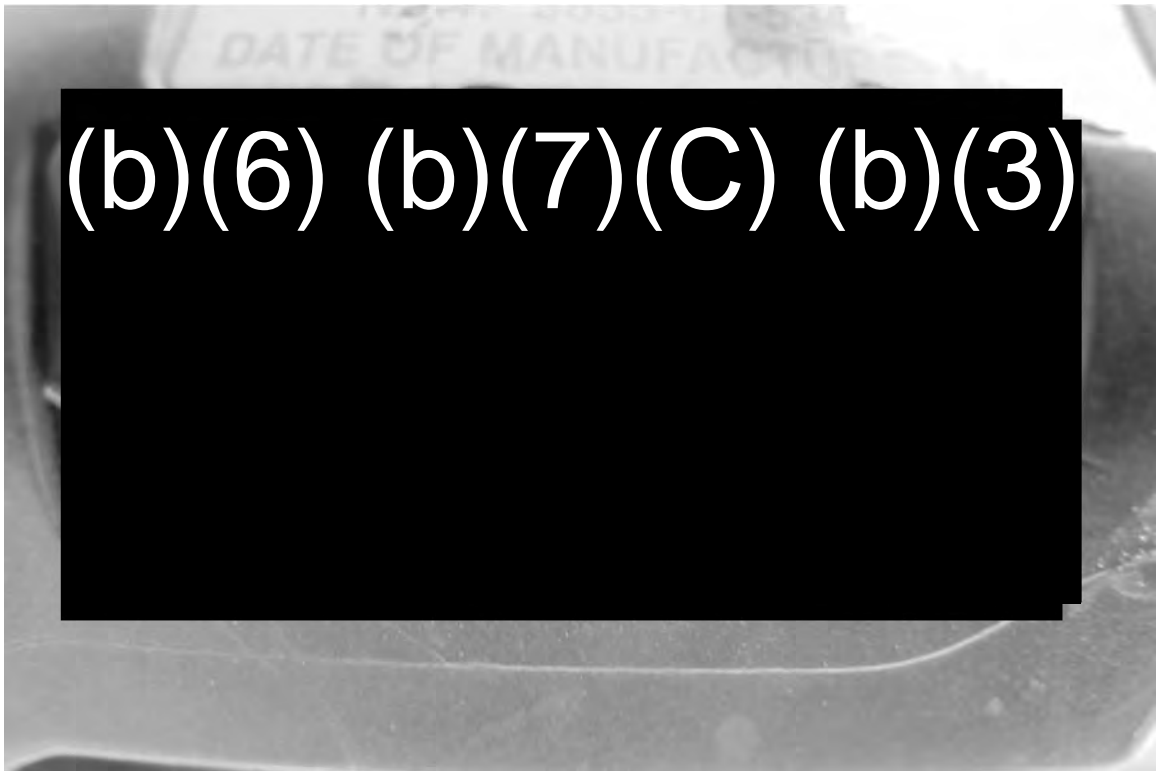












Exhibits 125 & 126

Page(s): 000536 thru 000537

Withheld

Third Party Information
Not Reasonably Segregable
5 U.S.C., Section 552,
Exemptions (b)(6) and (b)(7)(C)