

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CONTINUING WAIVER OF RIGHTS

Place: Building 1224, NCIS, CPCA

Date: May 16, 2006

SPD I, Sanick P. DELA CRUZ, USMC, 622-96-5574, have been advised by SA Brian BRITTINGHAM, and SA Matt MARSHALL that I am suspected of Article 134; Obstruction of Justice, Article 107: False Statements, and Article 118: Homicide, of the Uniform Code of Military Justice SPD

I have also been advised that:

SPD (1) Any prior illegal admissions or other improperly obtained evidence which incriminated me cannot be used against me in a trial by court-martial;

SPD (2) I have the right to remain silent and make no statement at all;

SPD (3) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;

SPD (4) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;

SPD (5) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and

SPD (6) I may terminate this interview at any time, for any reason.

SPD I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me. SPD

Signature :

[Handwritten Signature]

Date & Time:

051606 1051AM

Witnessed:

[Handwritten Witness Signature]
[Handwritten Witness Signature]

STATEMENT

Place : Building 1224, NCIS Camp Pendleton, CA
Date : May 16, 2006

SPD, Cpl Sanick Pallerma DELA CRUZ, make the following free and voluntary statement to Brian BRITTINGHAM, and Matt MARSHALL whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the criminal and/or negligent homicide of Iraqi citizens on 19Nov05, and the events that followed in Haditha, Iraq. SPD

SPD For identification purposes I am a Filipino male Marine born on 21Oct82, in Cavite City, Philippines. I am a U.S. citizen, and my Social Security Number is 622-96-5574. I have black hair and brown eyes. I am approximately 66 inches tall and weigh approximately 130 pounds. I am currently assigned as an infantryman, to Kilo Company, 3/1, 1st Marine Division, Camp Pendleton, CA. My current address is 926 East 2nd Avenue, Escondido, CA 92025. SPD

SPD I am giving this statement regarding the details of the shooting I witnessed on 19Nov05 at or near the intersection of Route Chestnut and Viper, in Haditha, Iraq. I would like to say that the first statement, and additional statements are true and correct to the best of my knowledge with the exception of some issues, which I have added to this statement. I would first like to give more clarifying information regarding the shootings at the white vehicle where I, and SSgt WUTERICH, (then Sgt WUTERICH) shot and killed four Iraqi males. As I previously stated, we were driving west on Route Chestnut when I heard a loud explosion come from somewhere behind me. I pressed my foot on the brake, and put the vehicle in park, and with my left hand opened the door to the HMMWV. I remember this specifically because it was the first time I didn't have to fight the door to get it open. As I stepped out of the vehicle, I looked to my left and saw four Iraqi males lined up about five feet directly to the south of a white vehicle that was pulled off to the side of the road. I have been asked by Special Agent BRITTINGHAM, if I am sure there were only four Iraqi males. At this point I am willing to say that I saw only four Iraqi males and not five. As I was looking at the Iraqi males, I saw that some had their hands up and others did not have their hands up. I saw that they were looking around over their shoulders to try to see what was going on. As I was watching them, I saw one of the males in the middle fall to his right side. At the same time, I heard a shot fired and looked to my left. When I looked left, I saw WUTERICH kneeling with his rifle shouldered, taking well-aimed shots in the direction of the Iraqi males by the white vehicle. I watched him for a few seconds as he fired his rifle. I would say that he took like, maybe, 6 to 8 shots in the same direction. When I looked back at the Iraqi males, I saw that they had all fallen to the ground. From where I was standing, I saw that all of the Iraqi males, with the exception of one, had fallen forward. The Iraqi male that fell backwards was the one that had his face half shot off. SPD

SPD After all the Iraqi males went down, I advanced on their position because I just wanted to check it out. When I got around to the back of the white vehicle, I saw WUTERICH to my left. He had also advanced. As I got around to the back of the vehicle, I raised my rifle up, holding it by the broom handle and the pistol grip, and began firing into the Iraqi males bodies on the ground. I did not aim at them and I believe most of my rounds impacted into their torso's, though I am not sure. I would SPD

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SPD describe the motion as a sweeping motion. I fired approximately 6 to 10 rounds, and I don't know for sure if all of them hit the bodies of the Iraqi males. I also saw that WUTERICH was standing south of the bodies bent over them shooting each one in the head as he walked by them. WUTERICH's M-16 muzzle was no more than one foot away from the Iraqi's heads when he shot them again. I believe WUTERICH shot each one of them in the head like one or two times. When WUTERICH was finished, he looked up at me with an expression like he was mad. I would say that the expression looked like he was gritting his teeth and I saw his jaw pulsing. WUTERICH and I did not say anything towards each other at that point. As soon as he was finished, I turned left and ~~saw that TJ's truck had been blown up. At that point, I made my way to where the HMMWV had been blown up.~~ ^{was killed 5 or 10 feet} When I left the area of the white vehicle, I saw that WUTERICH was still standing at the southwest, rear corner, of the vehicle. I have been asked if I saw anyone else approach the white vehicle while I was there, or after I left. I did not. The only people I saw in the area of the white vehicle were WUTERICH, and an Iraqi Army soldier, who was standing close to the car, looking around as if he was curious. I remember the Iraqi Army Soldier standing about two feet east of the right front bumper of the white vehicle. I would say that the shooting at the white vehicle took maybe a minute from the time the IED exploded to the time that WUTERICH and I advanced ^{SPD and} shot the Iraqi males as they laid on the ground. I would say that it took me about 3 to 5 minutes from the time the IED exploded to the time it took me to make it back to the last HMMWV that was blown up. SPD

SPD I have been told that it was reported that SHARRATT might have shot the occupants of the white vehicle execution-style, while they were on their knees with his 9mm pistol. I did not see SHARRATT do this. If he is saying this, he is probably bull shitting about it. The only people that I know what really happened at the white vehicle are me, the Iraqi Army Soldier, and GRAVISS. ^{Wuterich} I was asked if SHARRATT might have approached the occupants of the white vehicle after I left. I think it is possible that he might have, because I do not remember seeing him down by TJ's HMMWV; however, I don't really know. SPD

SPD I have been asked, while I was in the house located to the west of Route Viper, if I kicked one of the Iraqi males in the head, and said, "I killed that motherfucker". I did not. I would also like to say that I didn't talk shit to anyone about what happened out there that day. I have been asked if I had a camera with me that day. I did not. But I do remember holding a red or black magic marker for LCpl WRIGHT while he took photographs of the bodies. ^{at the last house were the a male got killed.} The marker was being used to write numbers on the bodies of the Iraqi dead. I did not take any photographs of the Iraqi dead, and I did not get copies of any of the photographs taken. I have been asked if I communicated via email with anyone about this incident. I did not talk to anyone on email about this incident. I do know that MENDOZA stayed in regular contact with GUZMAN over email following the incident. I know this because MENDOZA would give us updates about GUZMAN's condition. MENDOZA told us that he stayed in touch with GUZMAN through email. I don't know everything that MENDOZA ^{SPD} and GUZMAN talked about in their emails, just that GUZMAN was doing ok. I have been asked if anyone is trying to cover up this incident, other than WUTERICH. It seems to me that people might be doing things to cover up this incident, but I don't know of anyone specifically trying to cover it up besides WUTERICH and SALINAS. SPD

SPD I have been asked to discuss conversations between me and my squad regarding this incident. Around December, 2005, I was on guard duty at the COP with LCpl TATUM. It was in the late SPD

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SPD evening hours before midnight, we were discussing MENDOZA's shooting at house number four. TATUM commented that it was funny that MENDOZA had to ask for permission to shoot the man in the door. Also, following my interviews with NCIS in Al Asad, I was trying to convince Cpl SALINAS to tell the truth about the incident. He told me that the only thing that NCIS could get on him was the old lady, adding that he shot the old lady when she surprised him, and that he "messed up." Cpl SALINAS then said "the story stayed the same though?" Meaning the story he and WUTERICH and I had already agreed on would stay the same. I told him that it did. I lied to SALINAS because I know if I told him that I had told the truth he would tell WUTERICH. SALINAS also told me that if WUTERICH was going to go down, that he would go down too. It seemed like he was trying to get me to say the same thing. I also tried to tell MENDOZA to come clean and tell the truth. MENDOZA did not reply to me, he just shook his head. SPD

SPD This happened while we were in Al Asad. I also heard SHARRATT saying that after WUTERICH shot people from that day, he would go after WUTERICH and shoot them with his pistol. I don't remember exactly when SHARRATT said this, only that we were in Iraq when he said it. I also remember RODRIGUEZ saying, about three months after this incident, the reason that he stayed by the first HMMWV was because he knew they were going to do something stupid. I took that to mean that SALINAS, SHARRATT, and TATUM were going to do something stupid. I have been asked if I, or anyone on my squad, talked about killing Iraqis the next time we were hit. I remember that the same week that LCpl ORTEGA got hit, SALINAS was saying that we should put poison on candy and hand it out to the Iraqi kids. I have been asked if I saw any Marines abusing detainees from that day. I remember when GRAVISS and I took a bunch of PUC's (Persons Under Control) to the intersection of Chestnut and Viper, Lt KALLOP and several other Marines began beating them up. I did not see who was beating them up for sure because as soon as we dropped the PUC's off I turned around and walked away. When I walked away I heard sounds that made me believe that the PUC's were getting beat up. For instance I heard a few thuds, followed by an Iraqi voice say "no mista please". I am pretty sure that Lt KALLOP was beating them up, but I do not recall the other Marines who were present. Though I cannot say that I saw Lt KALLOP actually beat any of the PUC's I know in my heart that he did. Besides he was the senior person there and I feel he was responsible. I remember Lt KALLOP because he is the person I dropped the PUC's off with. I didn't see how they beat them up, I just heard them beating the PUC's. As soon as I dropped off the PUC's, I turned around and went back north with my team. SPD

SPD I would also like to say that while myself and GRAVISS were detaining Iraqis by the house where we found the Jordanian lady, we hit a few of them. Basically, when we asked them questions, and they did not answer, we would kick them in a manner that would not leave marks on them. After we got picked up by first squad in the HMMWV, and traveled back to Chestnut, we offloaded the PUC's and stood around for a while. While we were there, I saw an Iraqi Army Soldier head-butting the PUC in front of him with the top of his head. I saw him do this every now and then for about five minutes. I would tell him not to do it, but he would keep doing it. I also remember seeing another Iraqi Army Soldier trying to burn some of the PUC's with his cigarette lighter. I told him to stop and he did. These are the same Iraqi Army Soldiers that were with us in the convoy earlier that day. I think it was around 1700 that this was happening. SPD

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SPD I have been asked if there is anything else I can remember about the events of 19Nov05. I remember now having a conversation with SALINAS where he said that when he left house one, it was not on fire. SALINAS further told me that Lt KALLOP burned the house down. I don't remember exactly when, or where we had this conversation, but I know it happened in Iraq. I would also like to add that some time before TJ died, my squad was setting up an ambush on River Road, about 200 meters north of the Mosque, which is located at the intersection of River Road and Market Street. We spotted two individuals, one of them was digging, and one of them was a look out. All of a sudden, the look out took off running and we shot at him. He got away. Nobody got hit and nobody got hurt. The runner went into a house, changed clothes, and came out winded. We knew it was him, so we searched his house for bomb making materials. We didn't find any materials in his house. SALINAS took a piece of DET cord out of his pocket, and planted it inside the man's house. SALINAS told me that he knew that the DET Cord would come in handy someday. I thought this was messed up because he, SALINAS, planted evidence and reported that he found it in the house. Basically, it was a lie. Although we later found evidence that the guy was making bombs, this was still messed up. SPD

SPD The only other thing I can remember about that day, that I have not yet talked about, is the fact that I pissed on one of the dead Iraqi male occupants of the white car. It was later in the day after we searched another house in the neighborhood. We were walking back down Chestnut, past the white car. I had to piss at the time, and I was pissed off that TJ had died, so I decided to piss on one of the dead Iraqi males outside the white car. I remember that I pissed inside the head of the dead Iraqi, the one with half of his head blown off. I don't remember who was there, or who saw me do it, but I know there were Marines standing all over the place. I know that some other Marines saw me do it, because I heard them talking about it later. I do not remember who it was that saw me or talked about me pissing on the dead Iraqi. SPD

SPD This statement, consisting of this page and 3 other page(s) was typed for me by Brian W. Brittingham as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. SPD

Signature: [Signature]

Sworn to and subscribed before me this 16th day of May in the year 2006 at

Building 1224, NCII Camp Pendleton, CA

Witnessed: S.A. [Signature]

[Signature]
Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303