

SWORN STATEMENT

0013-06-11201-5004

File Number: 0013-06-CID201-50048  
Location: Building 102, 1413 Research Blvd, Rockville, MD 20850  
Date: 20 Mar 06  
Time: 11:47  
Statement of: [REDACTED]  
RANK: [REDACTED] Medical Corps, U.S. Navy  
SSN: [REDACTED]  
Org/Address: Armed Forces Medical Examiner, 1413 Research Blvd., Rockville, MD 20850

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER

OATH:

QUESTIONS (Q) = SA [REDACTED]

ANSWERS (A) = [REDACTED]

Q: Can you briefly summarize your career and the specialized training you have completed prior to assuming your position here at AFIP?

A: I have a degree in Criminalistics from Michigan State, Law Degree from Creighton University from Omaha, NE, Internship at the Naval Hospital in Oakland, CA, General Medical Officer in the Marine Corps, Residency at Bethesda Naval Medical Center, then I did my fellowship at AFIP. I am board certified in Anatomic, Clinical and Forensic Pathology. I was the Regional Medical Examiner in Okinawa, Japan, then I was a detailer at Naval Personnel Command. I served at the Shelby County Medical Examiner on the weekends in Memphis, TN. I have been the Chief of the Armed Forces Medical Examiners since June of 2002.

Q: When did you first start doing autopsies?

A: In high school.

Q: About many autopsies have you have conducted throughout your career?

A: Over 2000.

Q: And how many of those involved firearms of some sort as a cause or contributor to the death?

A: I have never kept tracked, but probably 20% would be a fair estimate.

Q: Of those, how many have been combat related?

A: Probably 30 at the most.

Q: Of those, can you tell me how many autopsies you have conducted in which the decedents death was caused by their receiving a gunshot wound(s) to the head?

A: Including suicides, at least 100.

Q: How many of those were combat related, in which the decedents death was caused by a gunshot wound to the head?

A: Not many, maybe 10.

Q: Did your office perform a complete autopsy on the remains of CPL TILLMAN?

A: Yes.

Q: Do you recall who requested the autopsy be performed?

INITIALS [REDACTED]

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STATEMENT OF [REDACTED], TAKEN AT Rockville, MD 20850, DATED 03/20/06,  
CONTINUED:

A: I authorized the autopsy under 10 USC 1471, that is a jurisdictional federal law. It is on the autopsy report.

Q: What is the purpose of conducting an autopsy?

A: To determine the cause and manner of death, collect evidence and to aid law enforcement with investigations.

Q: How were you notified that an autopsy needed to be performed on CPL TILLMAN?

A: We were notified by [REDACTED] Dept. of Army that this was a high profile case, but our office went through the normal procedures from the Defense Casualty Processing System (DCPS).

Q: Did [REDACTED] advise you of any special instructions or give you any orders on the conduct of CPL TILLMAN's autopsy?

A: No.

Q: Is this the normal chain of events as it relates to your being informed that an autopsy needs to be conducted?

A: Most of the time I don't get a call about a specific case, we are notified through DCIPS.

Q: Do you recall where and when the autopsy of CPL TILLMAN was performed?

A: At Dover Air Force Base, Dover, DE, on 27 Apr 04.

Q: What is the normal length of time that passes before a combat related death arrives at your location?

A: 2 to 3 days, and it is dependant on the airplanes.

Q: What was the length of time between the notification of CPL TILLMAN's death and the arrival of CPL TILLMAN to Dover?

A: Time of his death was reported at 1637, 22 Apr 04, and the arrival was either on 26 or 27 Apr 04.

Q: Was that a normal delay in the notification and arrival?

A: About normal, maybe a day longer, probably because of the delay in flights. CPL TILLMAN's body was well preserved, there were no indications that there was any significant decomposition.

Q: Do you recall if there were any indications that additional medical procedures had been performed on CPL Tillman prior to the autopsy?

A: We had been told that CPL TILLMAN had been taken to medical, 325<sup>th</sup> Field Hospital, FOB Salerno. A file folder with shipping information and the medical document containing the FOB hospital information arrived with CPL TILLMAN, which is standard practice.

Q: If previous medical treatment had been conducted on CPL TILLMAN, would documentation have accompanied his remains and would you have been aware of it prior to conducting the autopsy?

A: In this case, yes. That does not mean we get documentation on every case.

Q: Was there any indication of intubations or the injection of any type of medication into CPL TILLMAN when his remains arrived to you?

A: No.

Q: Did anyone witness or attend the autopsy of CPL TILLMAN?

INITIALS [REDACTED]

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STATEMENT OF [REDACTED] TAKEN AT Rockville, MD 20850, DATED 03/20/06,  
CONTINUED:

A: [REDACTED] and the photographer, which was [REDACTED] USAF.

Q: Are there records kept on who was working on CPL TILLMAN's body prior to his arrival to your location?

A: [REDACTED] (NFI) the army surgeon at FOB Salerno, who pronounced CPL TILLMAN dead.

Q: Do [REDACTED] take notes or record the autopsy proceedings?

A: Yes.

Q: Did you take notes during the autopsy of CPL TILLMAN?

A: [REDACTED] did.

Q: Was there anything unusual or odd noted when conducting the autopsy of CPL TILLMAN?

A: Just the 3 gunshot wounds to the head, which were in close proximity to each other.

Q: Were there any additional remains of CPL TILLMAN accompanying him, such as bone / skull fragment(s) or brain matter?

A: Yes, there was a piece of bone that was subsequently identified by DNA. Dover 2125, which was the torso of CPL TILLMAN and Dover 2164, cranial fragments of CPL TILLMAN.

Q: Is it unusual for portions of a decedent's remains not to accompany the body?

A: No.

Q: Is there a process or request generated if portions of a decedent's remains are not accompanying the body or if the decedent is not intact?

A: Yes, but we do not request for anyone to go out to a scene a find more unless we can't identify one of the Soldiers involved in the incident.

Q: Specifically relating to CPL TILLMAN, would the remains that were missing have assisted you in determining which round / projectile struck CPL TILLMAN first / last?

A: If we had the rest of CPL TILLMAN's skull, we could have reconstructed it to aid in determining which round struck CPL TILLMAN first or last.

Q: Do you recall any remains of CPL TILLMAN being forwarded to you at anytime following the autopsy?

A: No.

Q: Do you recall when you first received CPL TILLMAN's remains, what condition the body, was in?

A: We received his remains in a black body bag, just like the autopsy photographs depict.

Q: In the autopsy report there is a statement that "personal effects and clothing are released to the mortuary affairs personnel", exactly what personal effects and clothing were present?

A: CPL TILLMAN's ring.

Q: Do you normally receive a brief or a history of what took place leading to the death of an individual prior to their arrival to your office?

A: We receive a couple of lines in DCIPS of what happened, but nothing detailed.

Q: From the photographs of CPL TILLMAN's autopsy, what do you believe caused the trauma to his head?

A: Gunshot wounds.

INITIALS [REDACTED]

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STATEMENT OF [REDACTED], TAKEN AT Rockville, MD 20850, DATED 03/20/06,  
CONTINUED:

Q: Do you believe all entrance wounds were from the front of CPL TILLMAN's head?

A: Yes, because it is based on my training to recognize them, the inward beveling of the bone of the wound.

Q: How do you account for the defect in CPL TILLMAN's head?

A: A high velocity gunshot wound is typical of CPL TILLMAN's head injury and accounts for the loss of the back part of his skull.

Q: In your opinion, could small caliber rounds such as .223 / 5.56 or 7.62 have caused the defect in CPL TILLMAN's head?

A: Yes, small caliber but high velocity.

Q: As you're going through the procedure if you find something that you want to collect is it photographed?

A: Yes.

Q: Do you recall if you collected any items from the deceased?

A: [REDACTED] collected several small metallic fragments, which were photographed.

Q: Do you recall what other injuries CPL TILLMAN sustained other than the bullet wounds?

A: He had some ballistic impact points on the arm and the abrasion on his chest.

Q: Would you have had an opinion at the time as to what caused those other injuries?

A: Specifically no, it looked like shrapnel on the arm.

Q: You mention a three and a quarter inch by three and a half inch area on the left upper chest is consistent with an attempted defibrillation?

A: Right.

Q: Is it typical for a medic to attempt to defibrillate an individual who is in the physical state CPL TILLMAN was?

A: No, but it does happen.

Q: Do you have an opinion whether that was a postmortem mark or pre?

A: Around the time of death, peri-mortem. There was not a lot of hemorrhage around the area.

Q: How long following an individual's death would a defibrillation attempt leave such a mark?

A: Several minutes.

Q: Could the mark have been left by something striking CPL TILLMAN in the chest, something such as an impact from a projectile?

A: Sure.

Q: During the conduct of this investigation, there are some questions as to the distance in which CPL TILLMAN was struck, can you determine an approximate distance the shooter had to be from CPL TILLMAN for him to sustain such injuries?

A: I can not give you an exact distance, but I have heard several theories such as a .50 caliber weapon was used, or CPL TILLMAN was shot from a moving vehicle, or he was shot from 85 meters or further. In my opinion none of those theories were the case. In my opinion CPL TILLMAN was have been shot from a much closer range than 85 meters.

INITIALS [REDACTED]

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STATEMENT OF [REDACTED] TAKEN AT Rockville, MD 20850, DATED 03/20/06,  
CONTINUED:

Q: Based on your observations, can you eliminate the injuries sustained by CPL TILLMAN as close contact?

A: Yes.

Q: What about an intermediate wound...such as 5-10 ft?

A: Probably from 5 feet on. Stippling, which is burned or unburned pieces of gun powder on the skin, can be seen from 5 feet and closer; however, there was no indication of stippling on CPL TILLMAN.

Q: When you examined CPL TILLMAN's remains and looking at the injuries, do you have an opinion as to whether or not he was wearing his helmet at the time that he was shot?

A: Helmets are designed to stop ballistic fragments traveling 1400 feet per second. 50% of bullets traveling at 1400 feet per second would go right through the helmet, like .50 cal, 223, 5.56, 7.62, or any high velocity shrapnel. We would not be able to tell, it would all depend on what type of helmet CPL TILLMAN was wearing.

Q: What about the exit wounds? Would the helmet have contained any of the blast so that his skull would have remained more intact?

A: No, helmets are not that tight up against the skin.

Q: Based on your observations, do you believe CPL TILLMAN was wearing a helmet at the time he was shot?

A: No way to tell.

Q: And from your examination of those wounds on CPL TILLMAN, did you determine that they were high velocity or low velocity wounds?

A: High velocity wounds.

Q: Is there any forensic process to examine the wound and definitively determine the millimeter or the type of bullet?

A: No, not medically.

Q: In your opinion, what size of round / projectile do you believe caused the injuries to CPL TILLMAN?

A: Small caliber, high velocity rounds.

Q: Can you determine which round impacted CPL TILLMAN first or last?

A: No.

Q: Is it possible to determine that?

A: Yes, if we had the whole skull and put it back together, but that is still a big if.

Q: Can you determine the exact caliber of the round/projectile based on the entrance wound?

A: No.

Q: Can you rule out anything smaller than a .223 or larger than a .50 caliber round?

A: We ruled out a .50 caliber round, but I don't know of any smaller rounds with that high velocity similar to a 223.

Q: Although the entrance point on CPL TILLMAN'S right forehead appears larger than the other two entrance points, could the same caliber round/projectile cause all three entrance wounds?

A: Yes.

INITIALS [REDACTED]

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STATEMENT OF CDR [REDACTED] TAKEN AT Rockville, MD 20850, DATED 03/20/06,  
CONTINUED:

Q: Based on the photos, can you determine how CPL TILLMAN was positioned at the time of impact?

A: No.

Q: Was there anything unusual at all in regards to how CPL TILLMAN was received or the condition of his body or personal effects when you received him?

A: He had no clothing or gear, but that is not unusual. We usually get more personal effects, such as wallet, dog tags, credit cards, and/or pictures, diary, pens or knick-knack stuff, but none of that came with CPL TILLMAN.

Q: Is it unusual for the 75<sup>th</sup> Ranger Regiment to forward bodies unclothed or without personal effects?

A: Not any more unusual than other units.

Q: How long is the information pertaining to deaths from combat action retained within the files of this office?

A: This office has everything done since 1865. It will never be destroyed.

Q: Whose responsibility is it to determining cause and manner of death?

A: It is mine, which is delegated to the deputy medical examiners.

Q: Do you believe, based on the information you have to this point, that any foul play was involved in the death of CPL TILLMAN?

A: I don't know if it is foul play, but the stories to date do not make sense with the medical evidence.

Q: If you were to believe anything unusual or foul play was involved in the death of a soldier, what would be your normal course of action?

A: Call law enforcement.

Q: Based on your examination, can you rule out that CPL TILLMAN was hit by more than three rounds / projectiles?

A: No other round/projectiles passed through CPL TILLMAN's skin other than the three in his forehead.

Q: Were you able to recover any metal / fragments from CPL TILLMAN's head?

A: There was some metallic fragments recovered from his scalp, but they were extremely tiny.

Q: Was there anything unusual about the fragments that you recovered from CPL TILLMAN's head?

A: No.

Q: If you did determine there was anything unusual regarding the condition or lack of remains pertaining to a combat related decedent, what would you do?

A: We would do the same thing we did in this case, which was we emailed SA [REDACTED], Army CID, and called Human Resources Command, the Adjutant General, and spoke to BG FERESY.

Q: Were you ever contacted by anybody and requested to treat this autopsy differently from any other, to expedite the autopsy, to do anything different than you normally do on any of the autopsies?

A: We slowed this autopsy down on this one because things did not look right.

INITIALS [REDACTED]

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STATEMENT OF [REDACTED] TAKEN AT Rockville, MD 20850, DATED 03/20/06,  
CONTINUED:

Q: Did anyone from the 75<sup>th</sup> Ranger Regiment contact you in any regards, as it pertains to CPL TILLMAN, prior to the arrival of his remains to your office?

A: No.

Q: Did anyone from the 75<sup>th</sup> Ranger Regiment contact you at any time following the autopsy?

A: [REDACTED] called me several times, only in the capacity as [REDACTED] There was lawyer for the 75<sup>th</sup> Ranger Regiment, [REDACTED], who contacted me via phone and email.

Q: Was there anything unusual at all pertaining to the receipt, condition, processing, findings or follow on action as it pertains to CPL TILLMAN?

A: Just what was already discussed about the clothing and/or equipment being absent.

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

A: No. We would like to examine the helmet if it is found. ////END OF STATEMENT////

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**AFFIDAVIT**

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME.  
INITIALS [REDACTED]

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0013-06-CID-201-5004

STATEMENT OF [REDACTED] TAKEN AT Rockville, MD 20850, DATED 03/20/06,  
CONTINUED:

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.

[REDACTED]  
\_\_\_\_\_  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths,  
this 20 March, 2006 at Rockville, MD 20850.

[REDACTED]  
\_\_\_\_\_  
(Signature of Person Administering Oath)

SA [REDACTED]

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

ARTICLE 136(b)(4)UCMJ

WITNESS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

INITIALS [REDACTED]

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