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|---|---|---|
| **UNITED STATES OF AMERICA** | ) | |
| | ) | **Prosecution's Proposed Plan:** |
| **v.** | ) | **Storage of Appellate Exhibits** |
| | ) | **Not Accompanying the Record of Trial** |
| **Manning, Bradley E.** | ) | |
| **PFC, U.S. Army,** | ) | **Enclosure 4** |
| **HHC, U.S. Army Garrison,** | ) | |
| **Joint Base Myer-Henderson Hall** | ) | **8 February 2013** |
| **Fort Myer, Virginia 22211** | ) | |

**Sample Classified Information Sealing Order**

IN THE UNITED STATES ARMY
FIRST JUDICIAL CIRCUIT

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| **UNITED STATES** | ) | |
| | ) | |
| **v.** | ) | **CLASSIFIED INFORMATION SEAL ORDER** |
| | ) | |
| **MANNING, Bradley E., PFC** | ) | |
| **HHC, U.S. Army Garrison** | ) | |
| **Joint Base Myer-Henderson Hall** | ) | |
| **Fort Myer, Virginia 22211** | ) | **1 March 2013** |

1. A portion of AE LXXI (71) (Enclosure 1) contains classified information as defined in MRE 505(b). The enclosure is classified at the TOP SECRET level and has the following read-on requirements: TK/G/HCS. The Department of State, (202) 555-0000, is the equity holder of the classified information contained within this enclosure. This portion of the exhibit will be sealed in the record of trial in accordance with RCM 1103A, RCM 1104(b)(1)(D), and MRE 505.

2. The Court Security Officer shall cause a proper security classification to be assigned to the record of trial, to each classified exhibit, and to each page of the record of trial in which classified information appears, in accordance with RCM 1103(h). The Court Security Officer will ensure that the sealed exhibits are properly marked, including an annotation on each, that the material was sealed by order of the military judge prior to insertion into the original record of trial. Trial counsel will clearly identify in the record of trial where classified exhibits and pages in the record of trial will be maintained.

3. This portion of the exhibit contains classified national security information. This classified information shall be handled in a manner consistent with Executive Order 13526. An individual's access to the classified information in this exhibit is subject to the following: having the appropriate security clearance; signing an approved nondisclosure agreement; having a need-to-know the information; and acknowledging the Judicial Protective Order for Classified Information, dated 16 March 2012.

4. Sealed exhibits will not be opened or examined except for the following:

a. Prior to authentication of the record by the military judge, sealed materials may be examined upon order from the military judge based on good cause.

b. After authentication and prior to disposition of the record of trial pursuant to RCM 1111, sealed materials may be examined upon order issued from the military judge upon a showing of good cause at a post-trial Article 39(a) session directed by the Convening Authority.

c. Reviewing and appellate authorities meeting the criteria in paragraph 3 may examine sealed matters when those authorities determine that such action is reasonably necessary to a proper fulfillment of their responsibilities under the Uniform Code of Military Justice, the Manual for Courts-Martial, governing directives, instructions, regulations, and applicable rules of professional responsibility.

5. No person authorized to examine sealed exhibits shall photocopy, photograph, duplicate, or disclose the contents of the sealed exhibit in the absence from an order by a military judge, the Judge Advocate General or designee, or an appellate court, or other court of competent jurisdiction.

ORDERED, this the 1st day of March 2013.

DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit