From: Averhart CWO4 James T
Sent: Wednesday, December 29, 2010 2:39 PM
To: Papakie MSgt Brian R; Fuller GySgt William R; Blenis GySgt Craig M; Buck SSgt Jason; Lee SSgt Curtis J; Jordan SSG Ryan N; Ellis TSgt Charles D
Subject: FW: Weekly progress report (UNCLASSIFIED)

Categories: Green Category

FYI

CWO4 James T. Averhart, Jr. USMC
Security Battalion
Brig Officer
3247 Elrod, Ave.
MCB, Quantico VA 22134-5035
(b) (6) [redacted]

-----Original Message-----
From: Haberland, John CPT MIL USA (b) (6) [redacted]
Sent: Wednesday, December 29, 2010 2:32 PM
To: Averhart CWO4 James T
Cc: Greer LtCol Christopher M; Broadston Major Christian J; Oltman Col Robert G; Ebitz Maj Amy R
Subject: Re: Weekly progress report (UNCLASSIFIED)

CWO 4 Averhart,

The reports have not been provided to defense counsel. They will have to be provided in the future. All of the records in the possession of the Government will be subject to the discovery rules and absent an exception will have to be provided to the Defense.

Very Respectfully,

CPT Haberland

----- Original Message -----
From: Averhart CWO4 James T <(b) (6) [redacted]
To: Haberland, John CPT MIL USA
Cc: Greer LtCol Christopher M (b) (6) [redacted]>; Broadston Major Christian J (b) (6) [redacted]; Oltman Col Robert G (b) (6) [redacted]; Ebitz Maj Amy R (b) (6) [redacted]
Sent: Wed Dec 29 14:23:52 2010
Subject: RE: Weekly progress report (UNCLASSIFIED)

Captain Haberland,

Per our previous conversation concerning the weekly progress report concerning PFC Manning that I provide to the Security Battalion Commanding officer, you stated to me on the phone that Manning defense attorney Mr. Coombs has received the report in the past.

APPELLATE EXHIBIT 435d
PAGE REFERENCED: ____
PAGE ____ OF ____ PAGES

As the writer of the report, I have concerns that individuals are receiving this report that shouldn't be and don't have the need to know. I've asked my leadership to address this issue in an official capacity.

Respectfully,

CWO4 James T. Averhart, Jr. USMC
Security Battalion
Brig Officer
3247 Elrod, Ave.
MCB, Quantico VA 22134-5035
(b) (6) [redacted]

-----Original Message-----
From: Haberland, John CPT MIL USA (b) (6) [redacted]
Sent: Wednesday, December 29, 2010 11:53 AM
To: Averhart CWO4 James T
Subject: Weekly progress report (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

CWO 4 Averhart,

The copy of the weekly progress report that we (the Army) receive is not currently being provided to the Defense. The Rules for Court Martial will require use to provide those documents to the Defense in the near future.

Very Respectfully,

CPT John B. Haberland

Regimental Judge Advocate

3rd U.S. Infantry Regiment (The Old Guard)

(b) (6) [redacted]

[redacted]: [redacted]

[redacted] 2[redacted]

[redacted]

(b) (6) [redacted] (Please notify via NIPR)

Classification: UNCLASSIFIED
Caveats: FOUO