IN THE UNITED STATES ARMY
FIRST JUDICIAL CIRCUIT

UNITED STATES	)	
	)	**DEFENSE NOTICE UNDER**
v.	)	**MRE 505(h)**
	)	
MANNING, Bradley E., PFC	)	
U.S. Army, xxx-xx-(b)	)	
Headquarters and Headquarters Company,	)	
U.S. Army Garrison, Joint Base Myer-	)	14 December 2012
Henderson Hall, Fort Myer, VA 22211	)	

The Defense provides the following notice under MRE 505(h):

1. The Defense intends to use the relevant damage assessments produced by the Department of State (DoS), Office of the National Counterintelligence Executive (ONCIX), and the Information Review Task Force (IRTF). Both parties to this trial as well as the military judge have reviewed these documents during the discovery process. The Defense has previously requested that the military judge take judicial notice of these documents. In additional to judicial notice, the Defense intends to request the military judge to consider these documents in determining an appropriate sentence. Thus, the only individuals that will be exposed to these documents have already seen them.

2. The Defense alters an earlier MRE 505(h) notice provided to the Military Judge and the Government on 26 October 2012. Specifically, the Defense does not intend to discuss any specific Personal Identification Information (PII) with Ambassador Michael Kozak.

3. The Defense alters an earlier MRE 505(h) notice provided to the Military Judge and the Government on 26 October 2012. Specifically, the Defense intends to discuss the impact of the release of classified cables on diplomatic relations with Government listed witnesses from the Department of State (DOS) and the Department of Defense (DOD).

4. The impact discussion will be specific to the bureaus represented by the respective DOS witness or by the subject matter for the specific DOD witness. The Defense will provide by separate classified filing with the requisite specificity under MRE 505(h) that we intend to elicit with each witness after we have completed our interviews of all of the Government witnesses.

Thomas F. Hurley
THOMAS F. HURLEY
MAJ, JA
Defense Counsel

APPELLATE EXHIBIT 450
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