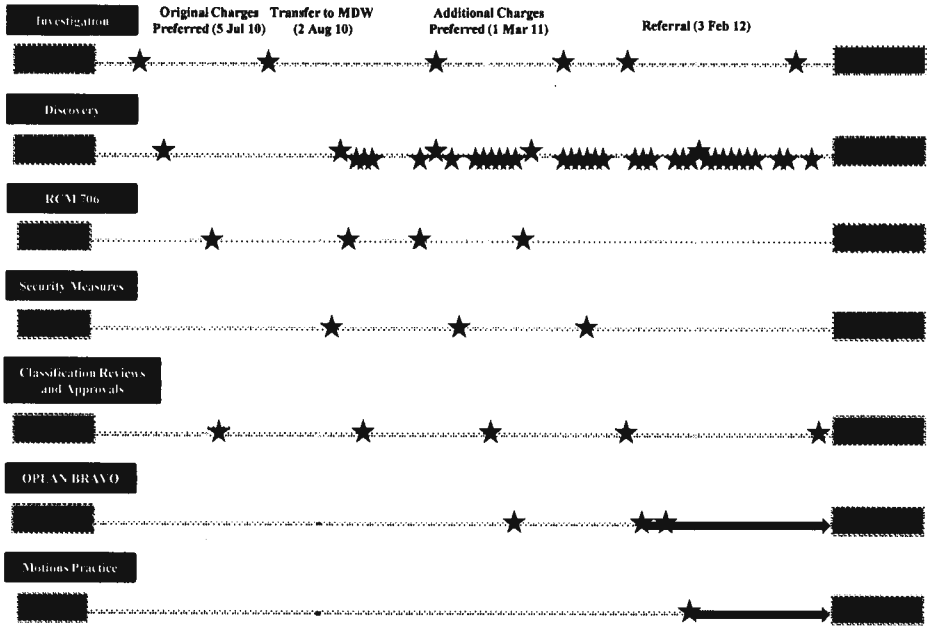
Relevant Facts Roadmap

- Legend
- Investigation (25 May 10 – Present Day)
- Discovery (25 May 10 – Present Day)
- RCM 706 Board (11 Jul 10 – 22 Apr 11)
- Security Measures (28 Jul 10 – Present Day)
- Classification Reviews and Approval for Disclosure (25 May 10 – Present Day)
- OPLAN BRAVO (11 May 11 – Present Day)
- Motions Practice (3 Feb 12 – Present Day)
- "Periods of Apparent Inactivity"

Legend

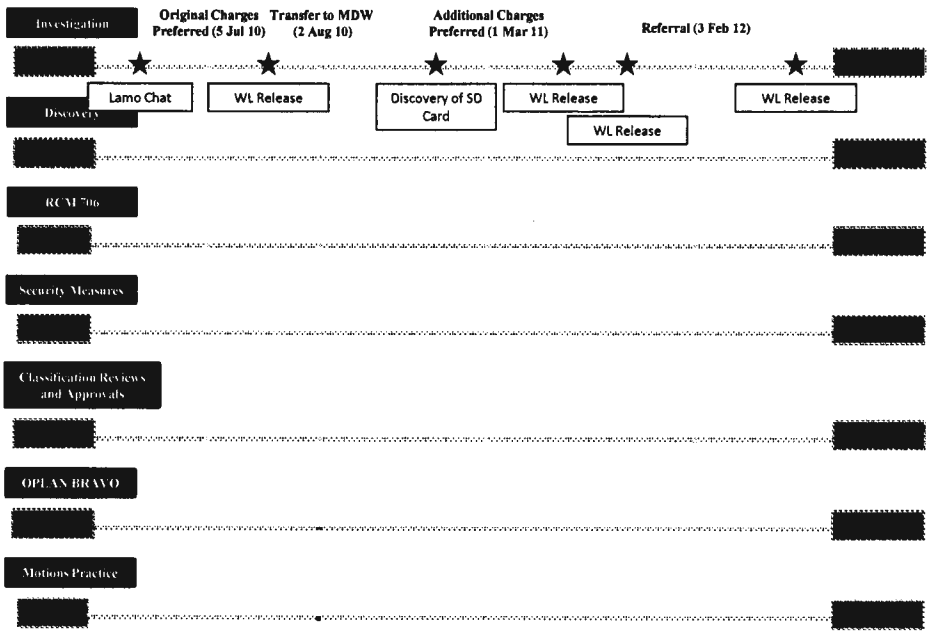
- "Chronology" = the Stipulated Speedy Trial Chronology-AE 383
- If a citation only references "Encl #", then that is enclosure to the Government Response (ex: AE 339)
- For emails, enclosure number and email number are provided (ex: Encl 1, #0001)
- For responses to interrogatories, the enclosure and appellate exhibit are provided along with the answer number (ex: Encl 1 to AE 449, #1)

Macro Timeline



Investigation

Macro Timeline



Overview (Investigation)

- Joint Criminal Investigation (CID/DSS/FBI)
- WikiLeaks Releases
- Twenty-Two Forensic Reports
- Three Military Intelligence Investigations
- Three Administrative Investigations
  - USF-I
  - USD-C
  - Secretary of the Army

Investigation

25 May 10

	25 May 10	Adrian Lamo reported that he was online chatting with the accused, and that the accused admitted to disclosing thousands of classified documents to WikiLeaks (*Encl 57, pg 2*)
Command placed the accused on modified unit watch without access to a weapon and under guard by escorts (*Encl 5*)	27 May 10	
	27 May 10	CID executed a search warrant, seizing several items, including computers accessed by the accused (*Encl 5*)
CID retrieved sworn statements from multiple persons (*Encl 9*)	28 May 10	
	29 May 10	Command ordered the accused into pretrial confinement (*Encl 6*)
At this time, "it [was] unknown how much information [the accused] collected or how the information [was] stored" (*Encl 5*)	30 May 10	
	Jun 10	CID collected digital media and other evidence in Iraq (*e.g., Enclosures 18 and19 to AE 16*)
USD-C AR 380-5 investigation concluded (*AE 407, #444*)	16 Jun 10	

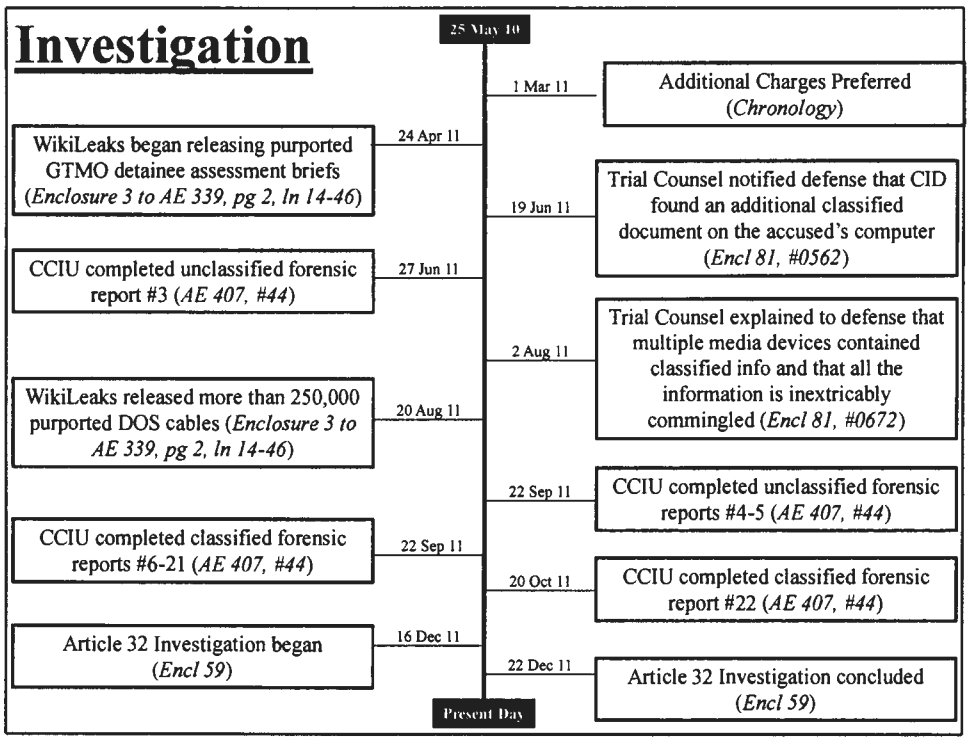
Present Day

Investigation

25 May 10

	5 Jul 10	Original Charges Preferred (*Chronology*)
WikiLeaks releases approximately 76,000 out of the 90,000 records from the CIDNE-Afghanistan database in coordination with media outlets (*Enclosure 3 to AE 339, pg 2, ln 14-46*)	25 Jul 10	
	28 Jul 10	DIA was directed to establish the Information Review Task Force (*Encl 4 to AE XLIX*)
FBI participated in the joint investigation (*Encl 1, #0003*)	30 Jul 10	
	23 Aug 10	USF-I AR 15-6 investigation concluded (*AE 407, #444*)
CCIU searched Shipping Containers from the accused's unit to identify any digital media the accused may have used while deployed (*Enclosure 16 to AE 16*)	15 Sep 10	
	15 Sep 10	CCIU completed unclassified forensic report #1 (*AE 407, #44*)
	20 Sep 10	CCIU completed unclassified forensic report #2 (*AE 407, #44*)
CID submitted preservation request to 2/10 MTN (*Encl 24 to AE 16*)	30 Sep 10	
WikiLeaks released approximately 400,000 records from the CIDNE-Iraq database (*Enclosure 3 to AE 339, pg 2, ln 14-46*)	22 Oct 10	
	2 Nov 10	CCIU recovered encrypted SD Card from accused's aunt's house containing complete CIDNE-A and CIDNE-I databases (*Encl 1, #0121*) (*Encl 26, Report_SDCard, pg 12*) (*AE 407, #59*)
WikiLeaks began releasing purported Department of State cables (*Enclosure 3 to AE 339, pg 2, ln 14-46*)	28 Nov 10	
	14 Feb 11	Secretary of the Army AR 15-6 investigation concluded (*AE 407, #444*)

Present Day



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- Three Military Intelligence Investigations
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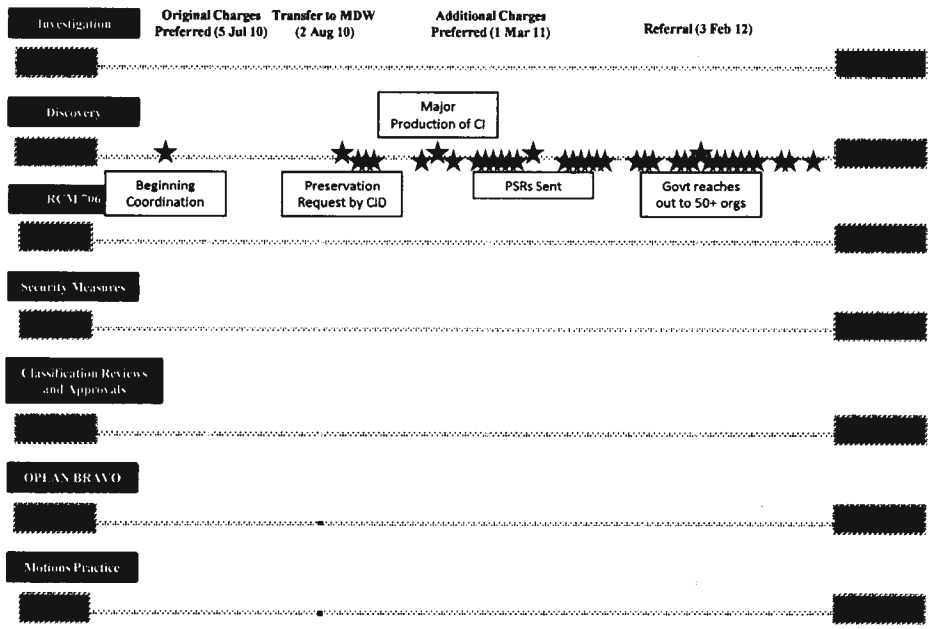
  - USF-I
  - USD-C
  - Secretary of the Army

Discovery

Macro Timeline



Overview (Discovery)

- Pre-Referral
  - Inter- and Intra-agency Meetings
  - Prudential Search Requests (*Encl 53, 70, 73*)
  - Preservation Requests (*Encl 52*)
  - Fourteen Defense Discovery Requests (*Encl 68*; *Chronology*)
  - Two PowerPoint Presentations of Case on the Merits and Sentencing to the Defense (*Encl 3-5 of Encl 57*)
  - 42 Discovery Productions (*Encl 18*)
    - 33 Productions of Unclassified Discovery (*Encl 18*)
    - 9 Productions of Classified Discovery (*Encl 18*)

Overview (Discovery) cont.

- Post-Referral
  - Inter- and Intra-agency Meetings
    - 60+ Government Organizations Involved
  - Defense Discovery Requests
  - 42 Discovery Productions
    - 18 Productions of Unclassified Discovery (*Encl 18*)
    - 24 Productions of Classified Discovery (*Encl 18*)
  - Transparency in Classified Setting
    - 526,000+ pages of discovery produced
    - 437,000+ pages of classified discovery produced
    - Few Redactions – less than 1% (approximately 3,435 of 526,366 pages) of discovery in the defense's possession contains redactions IAW MRE 505(g)(2) or RCM 701(g)
  - Giglio Searches and Disclosures
  - RCM 914 Disclosures

Inter- and Intra-Agency Meetings

Inter- and intra-agency Coordination

25 May 10

- Early Jul 10: Trial counsel in Iraq began coordinating with DOS and DOD for classification reviews (*Encl 10*)
- Early Aug 10: Trial counsel at MDW began discussions with FBI, DOS, DIA, and OGA#2 (*Encl 57, pg 10-21; Encl 3 to AE 449*)
- 29 Dec 10: Trial counsel began discussions with DISA and later learned of CENTAUR logs (*Encl 57, pg 18*)
- 2 Feb 11: Trial counsel first met with ONCIX to discuss any records relating to the accused (Encl 57, pg 20)
- 19 Oct 11: Trial counsel began coordinating with DHS (*Encl 57, pg 22*)
- 14 Feb 12: Trial counsel requested any damage assessments from those government organizations that may have assisted ONCIX (*AE 407, #289-291*)
- Jun 10: Trial counsel began meeting with DSS (*Encl 57, pg 13*)
- Mid-Jul 10: Trial counsel met with CCIU and DOJ to discuss way forward (*Encl 10*)
- 6 Oct 10: Trial counsel began meeting with OGA#1 (*Encl 57, pg 16*)
- 13 Jan 11: Trial counsel began communications with ODNI and later learned ODNI maintained Intelink logs (*Encl 57, pg 17*)
- 20 Aug 11: WikiLeaks released more than 250,000 purported DOS cables (*Enclosure 3 to AE 339, pg 2, ln 14-46*)
- 16 Nov 11: Trial counsel began coordinating with DEA (*Encl 57, pg 23*)

Present Day

Search and/or Preservation Requests

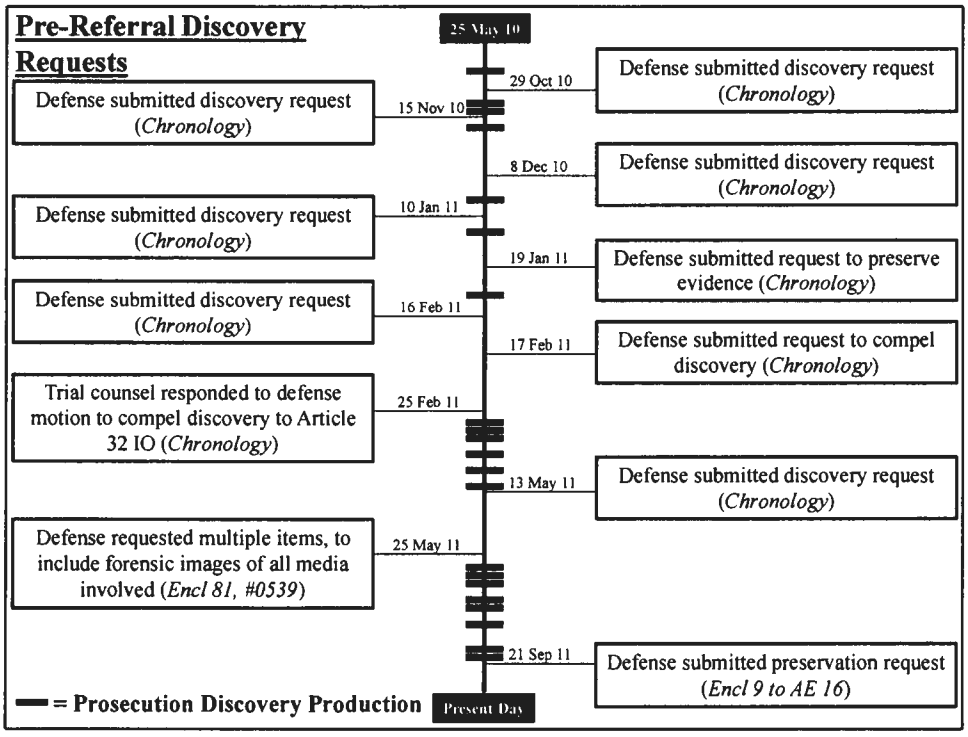
Search and/or Preservation Requests

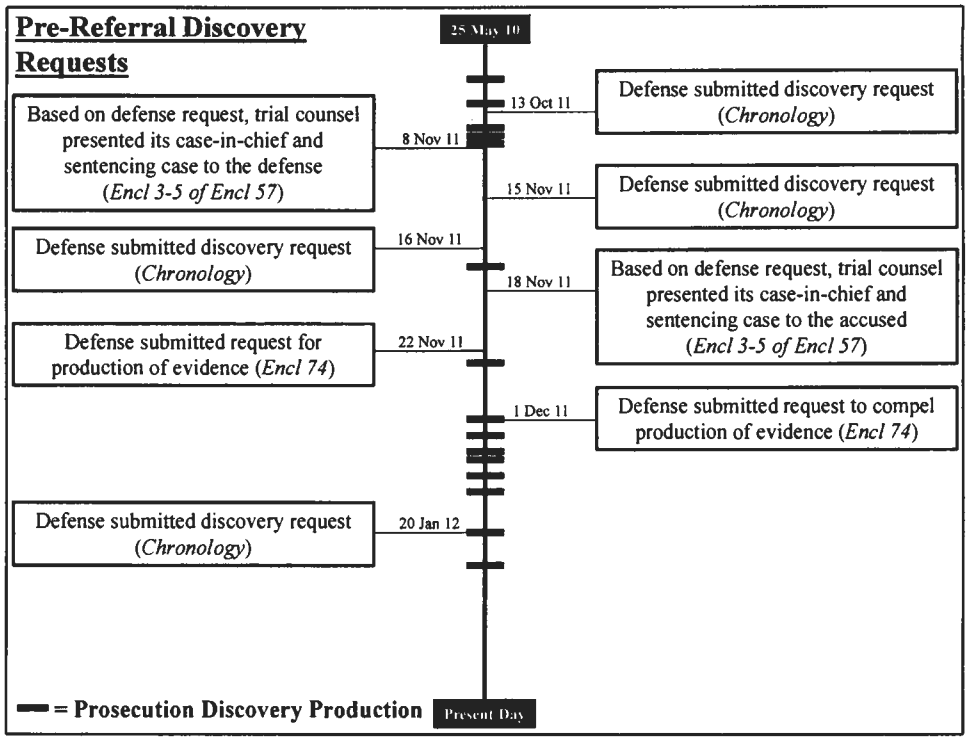
25 May 10

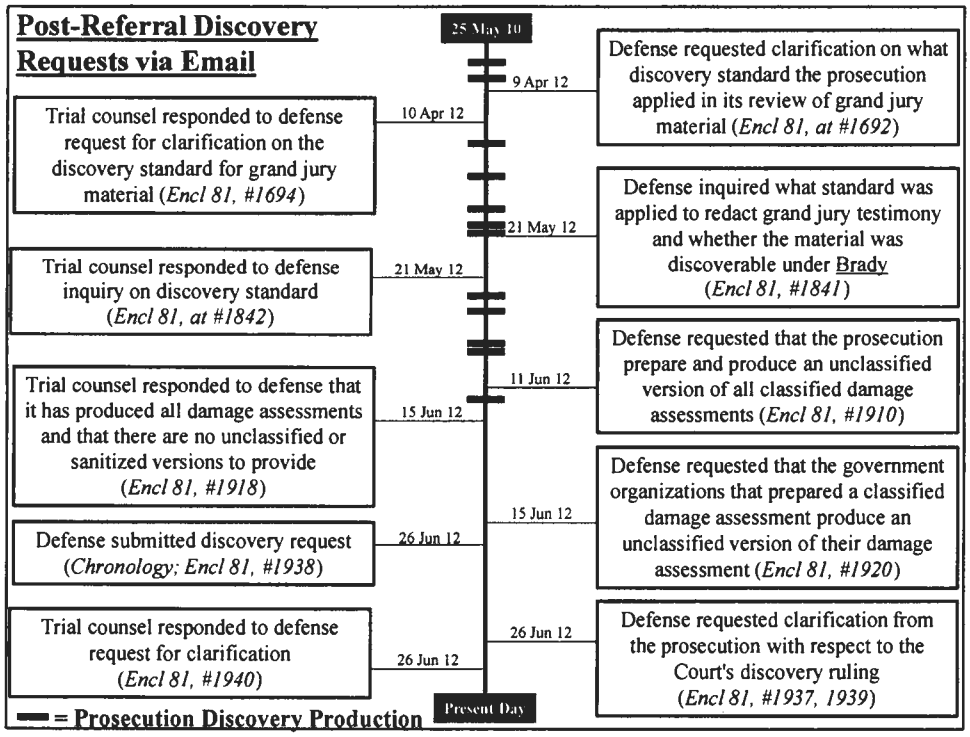
- 30 Sep 10 — CID submitted preservation request to 2/10 MTN (*Encl 24 to AE 16*)
- 25 May 11 — Trial counsel sends Prudential Search Requests to OGA#1, DOD, DOS, OGA#2, ODNI, and ONCIX (*Encls 53-54*)
- 6 Jun 11 — Trial counsel sends Prudential Search Requests to DOD (Encl 53)
- 14 Jun 11 — Trial counsel sends Prudential Search Requests to DIA, DOS, OGA#2, and ODNI (*Encl 53*)
- 27-28 Jun 11 — Trial counsel sends Prudential Search Requests to FBI, DOJ, and DISA (*Encl 53*)
- 21 Jul 11 — Trial counsel received draft tasking letter relating to Prudential Search Request from DOD for review before being distributed to sub-organizations (*Encl 1, #0553*)
- 16 Aug 11 — Trial counsel sends Prudential Search Requests to DOJ (*Encl 53*)
- 21 Sep 11 — Defense submitted preservation request for hard drives in theater (*Encl 9 to AE 16*)
- 4 Oct 11 — Trial counsel sends Requests to Locate and Preserve Evidence to multiple organizations in response to defense preservation request (*Encl 52*)
- 6 Oct 11 — Trial counsel sends Requests to Review any Damage Assessments to multiple organizations (*Encl 56*)
- 25 Oct 11 — Trial counsel sends Prudential Search Requests to additional organizations (*Encl 53*)
- 16 Nov 11 — Trial counsel sends Prudential Search Requests to multiple organizations (*Encl 53*)

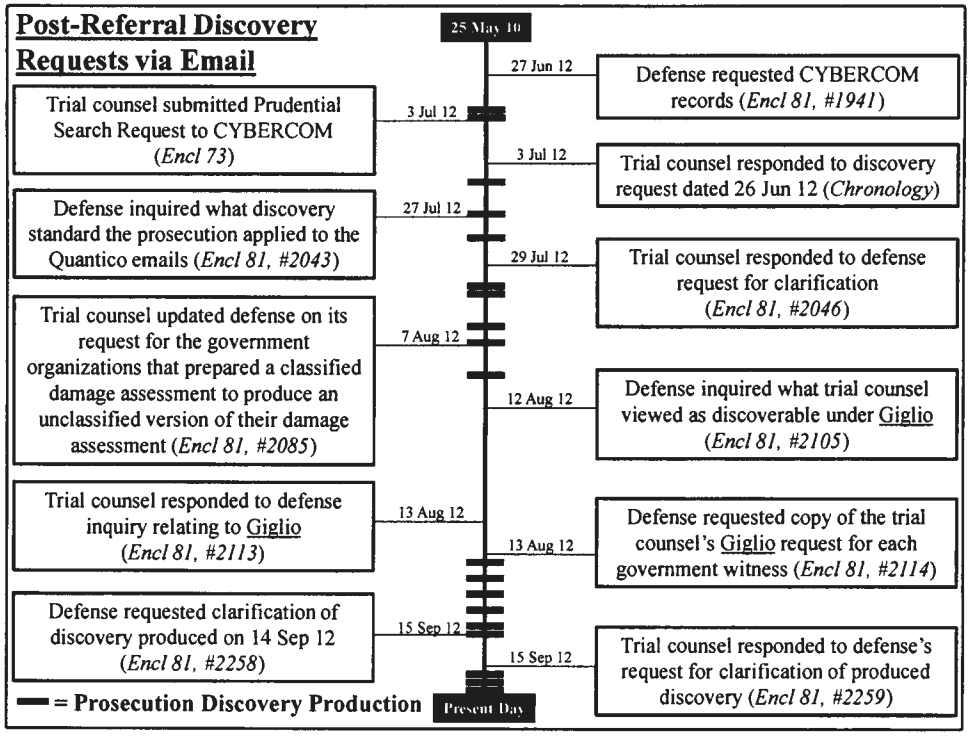
Present Day

Discovery Requests

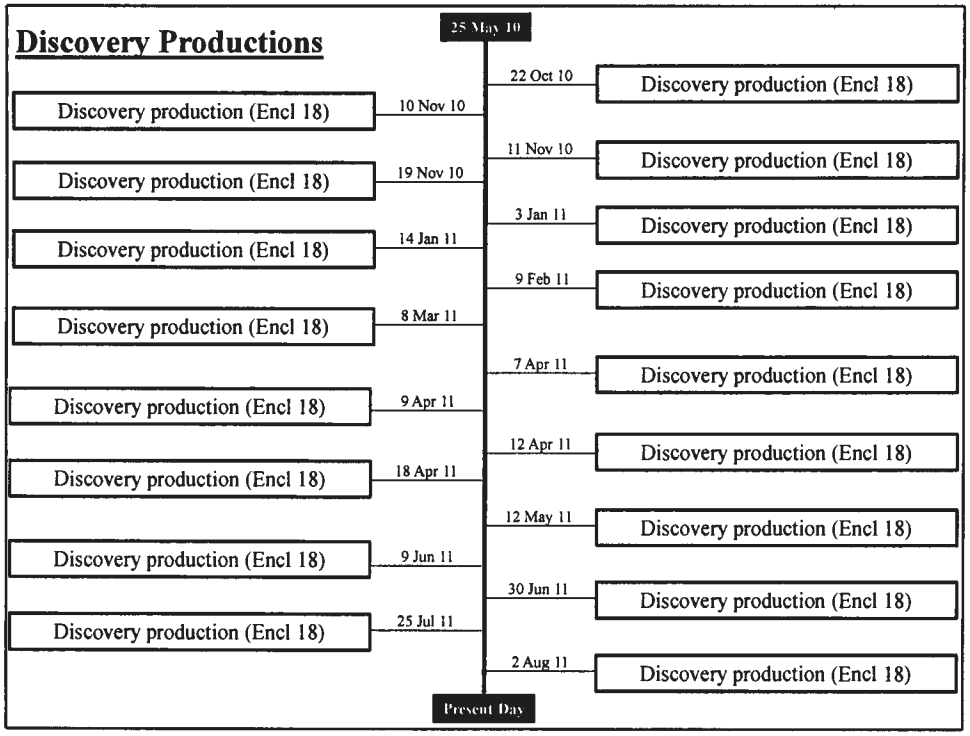


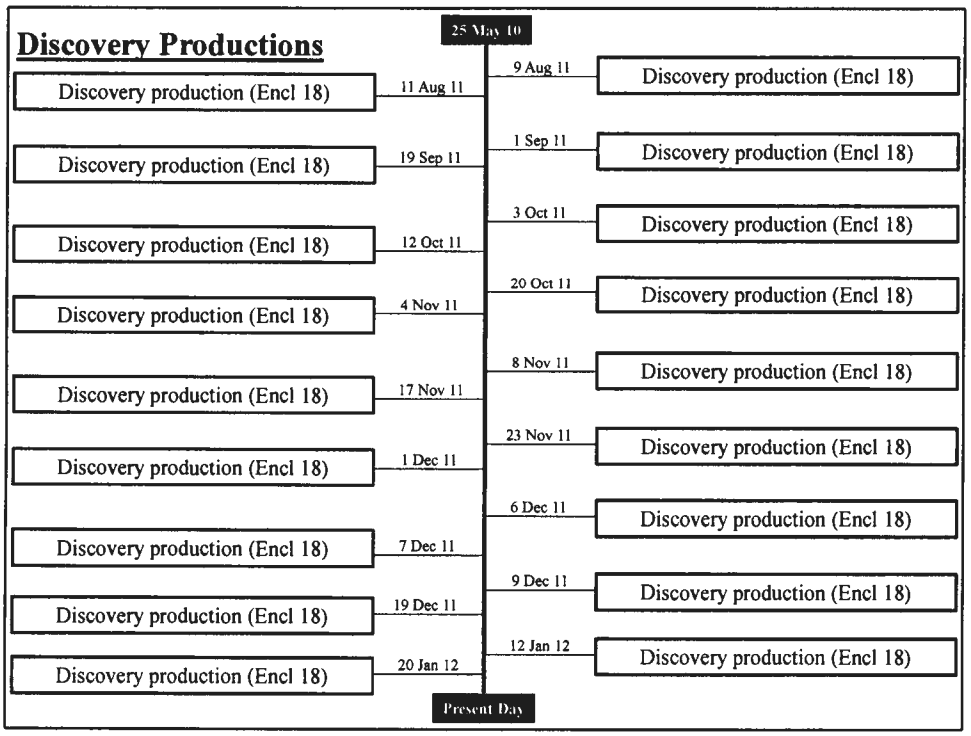

Pre-Referral Discovery Requests
25 May 10
13 Oct 11
Defense submitted discovery request (Chronology)
Based on defense request, trial counsel presented its case-in-chief and sentencing case to the defense (Encl 3-5 of Encl 57)
8 Nov 11
15 Nov 11
Defense submitted discovery request (Chronology)
Defense submitted discovery request (Chronology)
16 Nov 11
18 Nov 11
Based on defense request, trial counsel presented its case-in-chief and sentencing case to the accused (Encl 3-5 of Encl 57)
Defense submitted request for production of evidence (Encl 74)
22 Nov 11
1 Dec 11
Defense submitted request to compel production of evidence (Encl 74)
Defense submitted discovery request (Chronology)
20 Jan 12
= Prosecution Discovery Production
Present Day

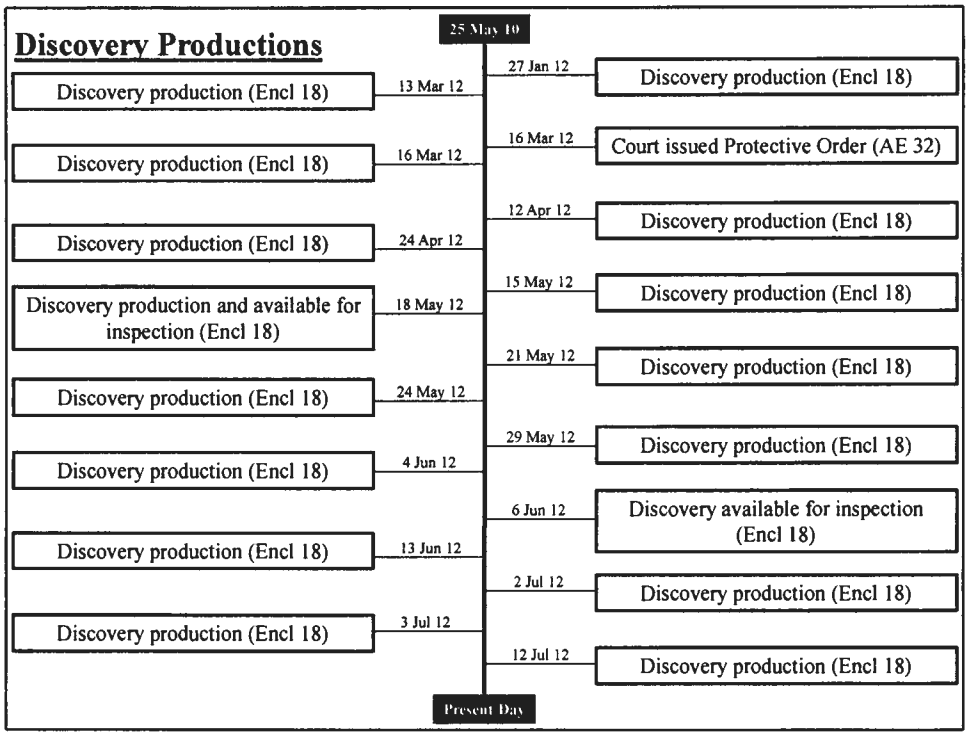

Post-Referral Discovery Requests via Email
25 May 10
9 Apr 12
Defense requested clarification on what discovery standard the prosecution applied in its review of grand jury material (Encl 81, at #1692)
Trial counsel responded to defense request for clarification on the discovery standard for grand jury material (Encl 81, #1694)
10 Apr 12
21 May 12
Defense inquired what standard was applied to redact grand jury testimony and whether the material was discoverable under Brady (Encl 81, #1841)
Trial counsel responded to defense inquiry on discovery standard (Encl 81, at #1842)
21 May 12
11 Jun 12
Defense requested that the prosecution prepare and produce an unclassified version of all classified damage assessments (Encl 81, #1910)
Trial counsel responded to defense that it has produced all damage assessments and that there are no unclassified or sanitized versions to provide (Encl 81, #1918)
15 Jun 12
15 Jun 12
Defense requested that the government organizations that prepared a classified damage assessment produce an unclassified version of their damage assessment (Encl 81, #1920)
Defense submitted discovery request (Chronology; Encl 81, #1938)
26 Jun 12
26 Jun 12
Defense requested clarification from the prosecution with respect to the Court's discovery ruling (Encl 81, #1937, 1939)
Trial counsel responded to defense request for clarification (Encl 81, #1940)
26 Jun 12
= Prosecution Discovery Production
Present Day

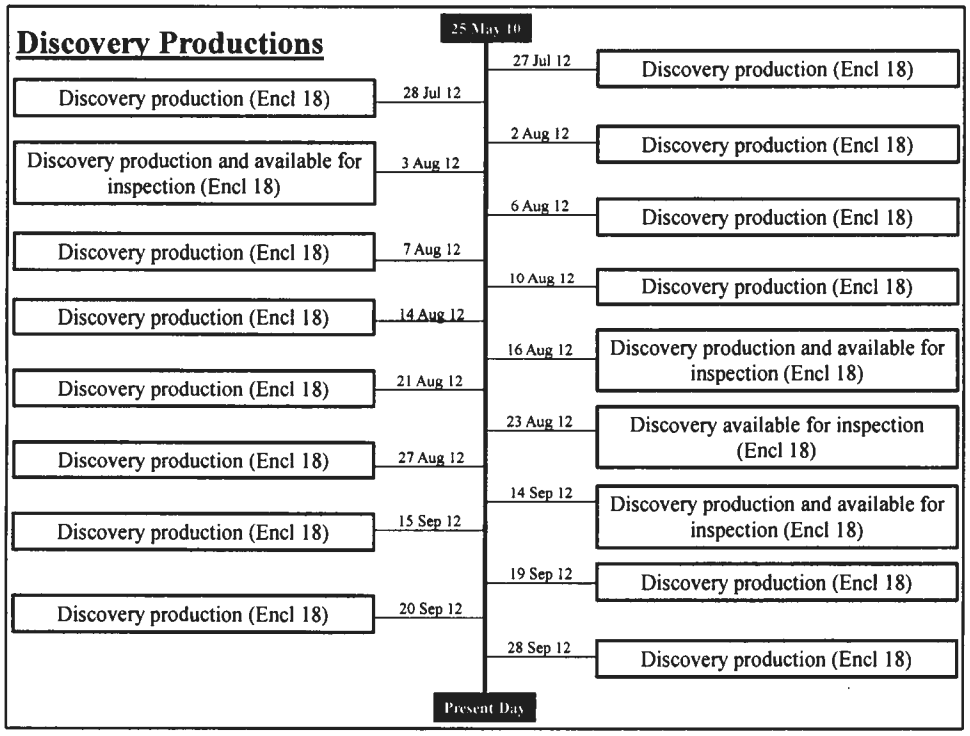

Post-Referral Discovery Requests via Email
25 May 10
Trial counsel submitted Prudential Search Request to CYBERCOM (Encl 73)
3 Jul 12
Defense requested CYBERCOM records (Encl 81, #1941)
27 Jun 12
Trial counsel responded to discovery request dated 26 Jun 12 (Chronology)
3 Jul 12
Defense inquired what discovery standard the prosecution applied to the Quantico emails (Encl 81, #2043)
27 Jul 12
Trial counsel responded to defense request for clarification (Encl 81, #2046)
29 Jul 12
Trial counsel updated defense on its request for the government organizations that prepared a classified damage assessment to produce an unclassified version of their damage assessment (Encl 81, #2085)
7 Aug 12
Defense inquired what trial counsel viewed as discoverable under Giglio (Encl 81, #2105)
12 Aug 12
Trial counsel responded to defense inquiry relating to Giglio (Encl 81, #2113)
13 Aug 12
Defense requested copy of the trial counsel's Giglio request for each government witness (Encl 81, #2114)
13 Aug 12
Defense requested clarification of discovery produced on 14 Sep 12 (Encl 81, #2258)
15 Sep 12
Trial counsel responded to defense's request for clarification of produced discovery (Encl 81, #2259)
15 Sep 12
= Prosecution Discovery Production
Present Day

Production


Discovery Productions
25 May 10
Discovery production (Encl 18)
10 Nov 10
Discovery production (Encl 18)
19 Nov 10
Discovery production (Encl 18)
14 Jan 11
Discovery production (Encl 18)
8 Mar 11
Discovery production (Encl 18)
9 Apr 11
Discovery production (Encl 18)
18 Apr 11
Discovery production (Encl 18)
9 Jun 11
Discovery production (Encl 18)
25 Jul 11
22 Oct 10
Discovery production (Encl 18)
11 Nov 10
Discovery production (Encl 18)
3 Jan 11
Discovery production (Encl 18)
9 Feb 11
Discovery production (Encl 18)
7 Apr 11
Discovery production (Encl 18)
12 Apr 11
Discovery production (Encl 18)
12 May 11
Discovery production (Encl 18)
30 Jun 11
Discovery production (Encl 18)
2 Aug 11
Discovery production (Encl 18)
Present Day


Discovery Productions
25 May 10
Discovery production (Encl 18)
11 Aug 11
Discovery production (Encl 18)
19 Sep 11
Discovery production (Encl 18)
12 Oct 11
Discovery production (Encl 18)
4 Nov 11
Discovery production (Encl 18)
17 Nov 11
Discovery production (Encl 18)
1 Dec 11
Discovery production (Encl 18)
7 Dec 11
Discovery production (Encl 18)
19 Dec 11
Discovery production (Encl 18)
20 Jan 12
9 Aug 11
Discovery production (Encl 18)
1 Sep 11
Discovery production (Encl 18)
3 Oct 11
Discovery production (Encl 18)
20 Oct 11
Discovery production (Encl 18)
8 Nov 11
Discovery production (Encl 18)
23 Nov 11
Discovery production (Encl 18)
6 Dec 11
Discovery production (Encl 18)
9 Dec 11
Discovery production (Encl 18)
12 Jan 12
Discovery production (Encl 18)
Present Day


Discovery Productions
25 May 10
Discovery production (Encl 18)
13 Mar 12
Discovery production (Encl 18)
16 Mar 12
Discovery production (Encl 18)
24 Apr 12
Discovery production and available for inspection (Encl 18)
18 May 12
Discovery production (Encl 18)
24 May 12
Discovery production (Encl 18)
4 Jun 12
Discovery production (Encl 18)
13 Jun 12
Discovery production (Encl 18)
3 Jul 12
27 Jan 12
Discovery production (Encl 18)
16 Mar 12
Court issued Protective Order (AE 32)
12 Apr 12
Discovery production (Encl 18)
15 May 12
Discovery production (Encl 18)
21 May 12
Discovery production (Encl 18)
29 May 12
Discovery production (Encl 18)
6 Jun 12
Discovery available for inspection (Encl 18)
2 Jul 12
Discovery production (Encl 18)
12 Jul 12
Discovery production (Encl 18)
Present Day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Discovery production (Encl 18)
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Discovery production (Encl 18)
7 Aug 12
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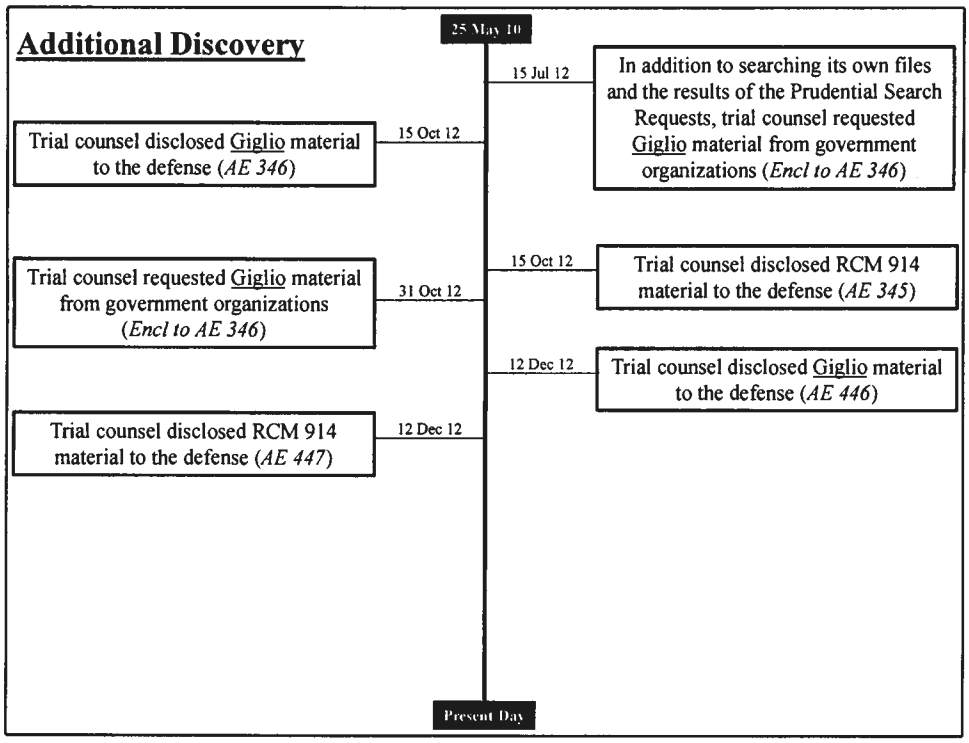
14 Aug 12
Discovery production (Encl 18)
21 Aug 12
Discovery production (Encl 18)
27 Aug 12
Discovery production (Encl 18)
15 Sep 12
Discovery production (Encl 18)
20 Sep 12
27 Jul 12
Discovery production (Encl 18)
2 Aug 12
Discovery production (Encl 18)
6 Aug 12
Discovery production (Encl 18)
10 Aug 12
Discovery production (Encl 18)
16 Aug 12
Discovery production and available for inspection (Encl 18)
23 Aug 12
Discovery available for inspection (Encl 18)
14 Sep 12
Discovery production and available for inspection (Encl 18)
19 Sep 12
Discovery production (Encl 18)
28 Sep 12
Discovery production (Encl 18)
Present Day



Pre-Referral Efforts to Expedite Discovery

- Trial counsel submitted Prudential Search Requests pre-referral to gather any potentially discoverable material as soon as possible
- Trial counsel submitted preservation requests for potentially discoverable material in theater, pre-referral, to gather any such material as soon as possible
- Two presentations to the defense of case on the merits and sentencing

Post-Referral Efforts to Expedite Discovery

- Disclosure of RCM 914 Material
  - RCM 914 requires disclosure "after a witness other than the accused has testified" and "on motion of a party who did not call the witness"
  - Trial counsel disclosed RCM 914 material before the witnesses testified and absent a defense motion
- Full disclosure of classified information caused limited MRE 505(g) litigation

Recap (Discovery)

- Pre-Referral
  - Interagency Meetings
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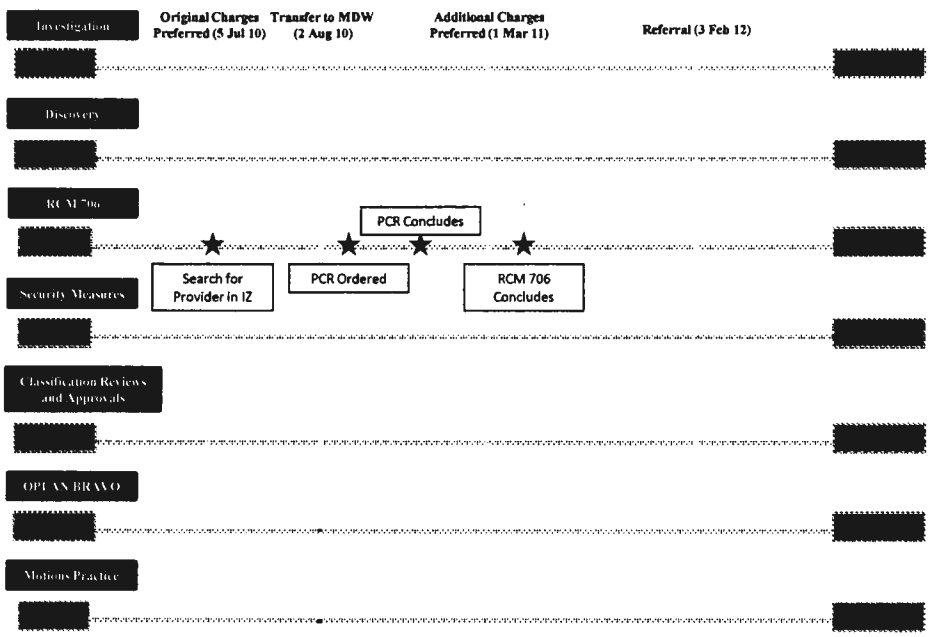
  - Giglio Searches and Disclosures
  - RCM 914 Disclosures

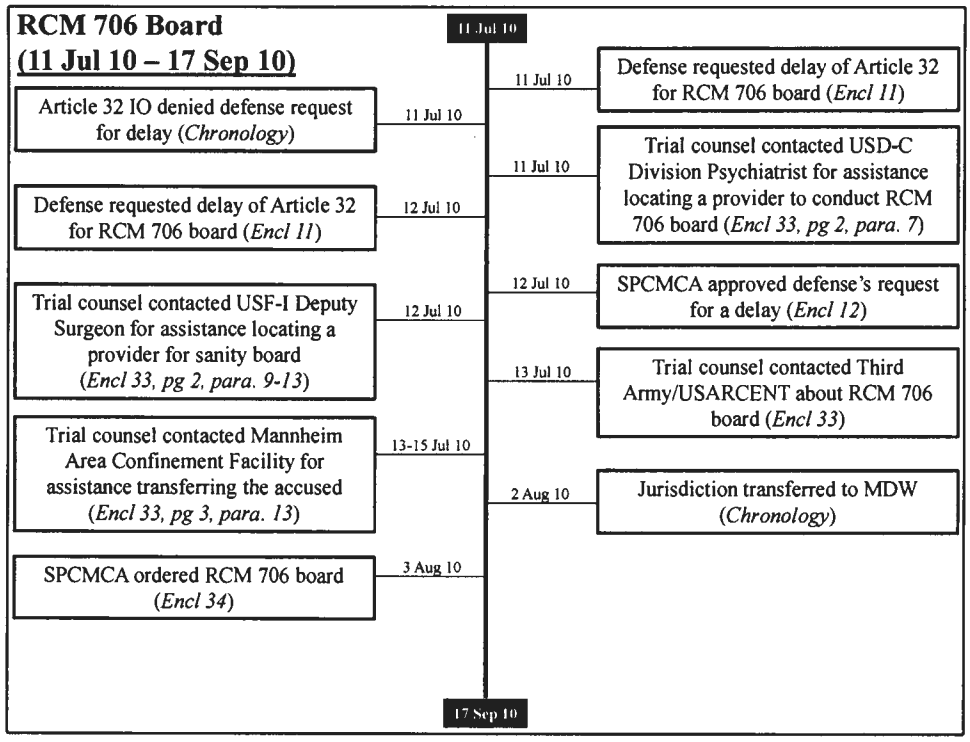
RCM 706 Board

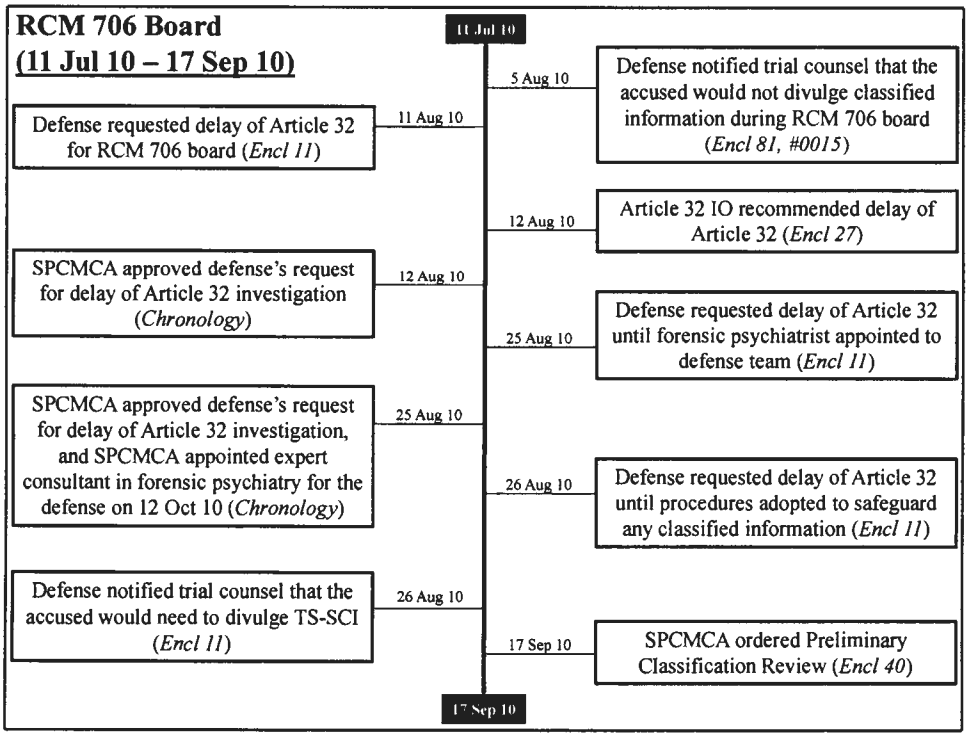
Macro Timeline

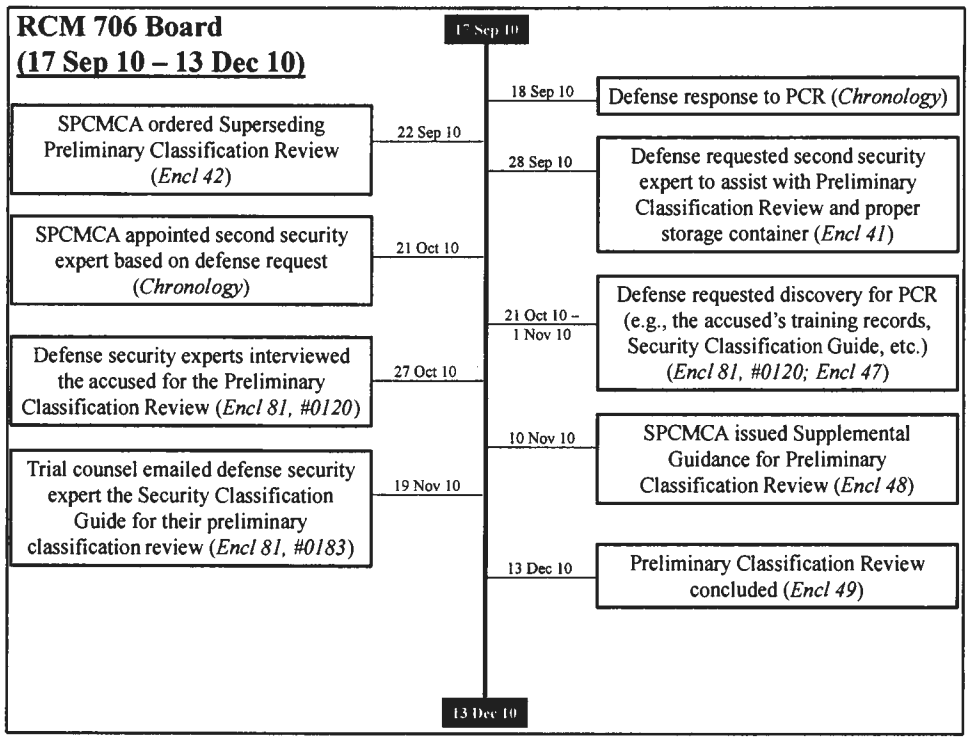


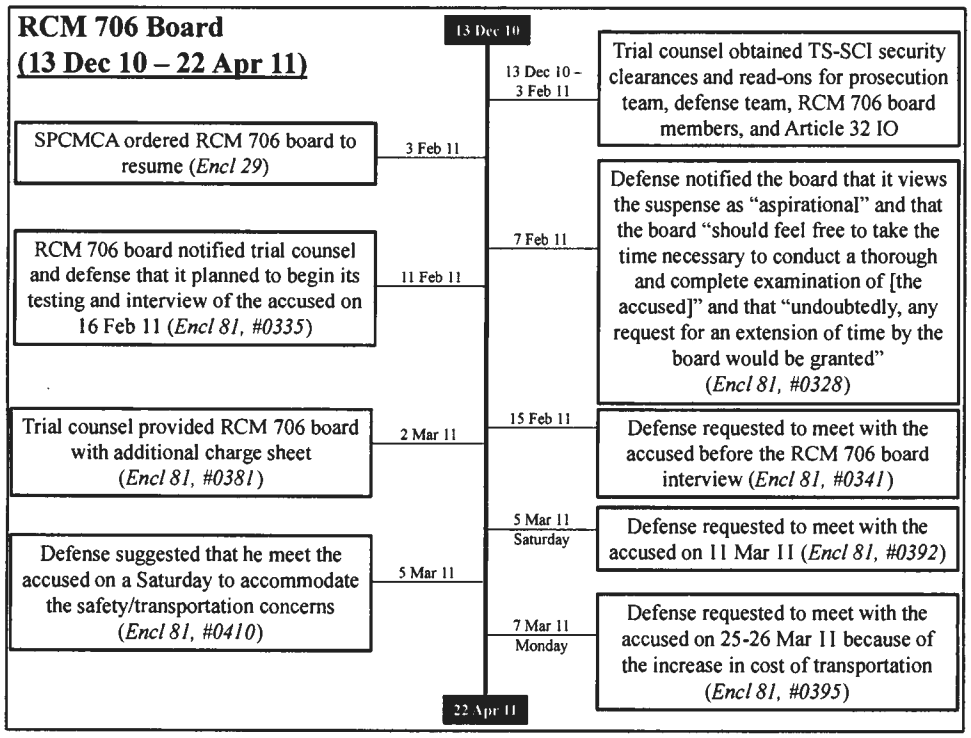
Overview (RCM 706)

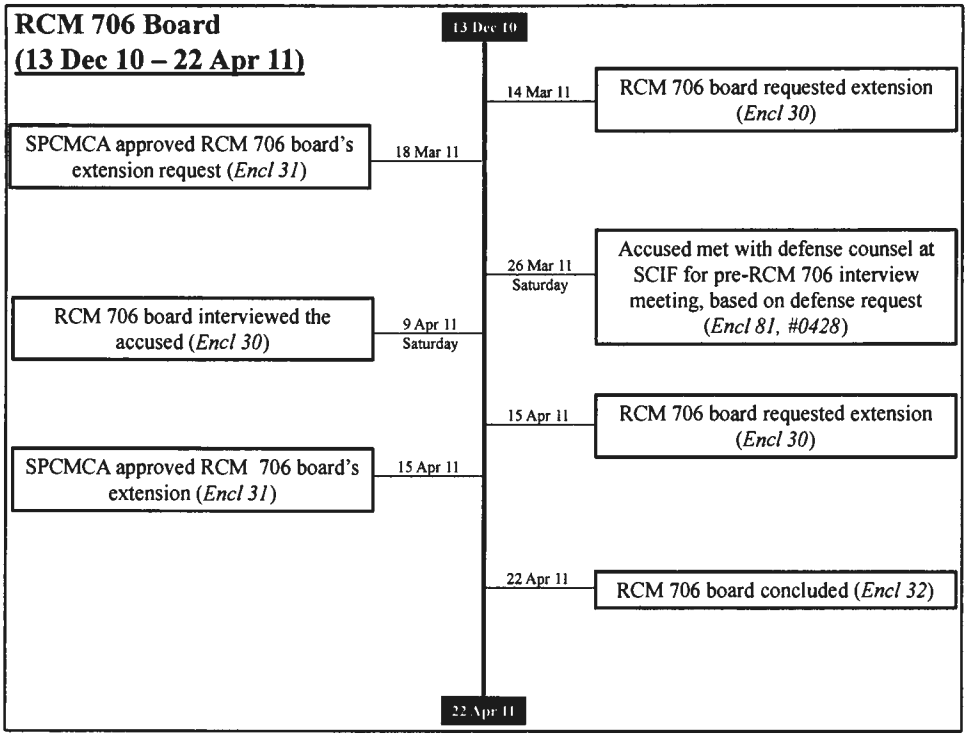
- Defense-Requested
- Search for Facility and Board Members
- Preliminary Classification Review
- Security Clearances for Board Members
- RCM 706 Board Execution


RCM 706 Board
(11 Jul 10 – 17 Sep 10)
11 Jul 10
Article 32 IO denied defense request for delay (Chronology)
11 Jul 10
Defense requested delay of Article 32 for RCM 706 board (Encl 11)
12 Jul 10
Trial counsel contacted USF-I Deputy Surgeon for assistance locating a provider for sanity board (Encl 33, pg 2, para. 9-13)
12 Jul 10
Trial counsel contacted Mannheim Area Confinement Facility for assistance transferring the accused (Encl 33, pg 3, para. 13)
13-15 Jul 10
SPCMCA ordered RCM 706 board (Encl 34)
3 Aug 10
11 Jul 10
Defense requested delay of Article 32 for RCM 706 board (Encl 11)
11 Jul 10
Trial counsel contacted USD-C Division Psychiatrist for assistance locating a provider to conduct RCM 706 board (Encl 33, pg 2, para. 7)
12 Jul 10
SPCMCA approved defense's request for a delay (Encl 12)
13 Jul 10
Trial counsel contacted Third Army/USARCENT about RCM 706 board (Encl 33)
2 Aug 10
Jurisdiction transferred to MDW (Chronology)
17 Sep 10


RCM 706 Board
(11 Jul 10 – 17 Sep 10)
11 Jul 10
Defense requested delay of Article 32 for RCM 706 board (Encl 11)
11 Aug 10
SPCMCA approved defense's request for delay of Article 32 investigation (Chronology)
12 Aug 10
SPCMCA approved defense's request for delay of Article 32 investigation, and SPCMCA appointed expert consultant in forensic psychiatry for the defense on 12 Oct 10 (Chronology)
25 Aug 10
Defense notified trial counsel that the accused would need to divulge TS-SCI (Encl 11)
26 Aug 10
5 Aug 10
Defense notified trial counsel that the accused would not divulge classified information during RCM 706 board (Encl 81, #0015)
12 Aug 10
Article 32 IO recommended delay of Article 32 (Encl 27)
25 Aug 10
Defense requested delay of Article 32 until forensic psychiatrist appointed to defense team (Encl 11)
26 Aug 10
Defense requested delay of Article 32 until procedures adopted to safeguard any classified information (Encl 11)
17 Sep 10
SPCMCA ordered Preliminary Classification Review (Encl 40)
17 Sep 10


RCM 706 Board
(17 Sep 10 – 13 Dec 10)
17 Sep 10
SPCMCA ordered Superseding Preliminary Classification Review (Encl 42)
22 Sep 10
SPCMCA appointed second security expert based on defense request (Chronology)
21 Oct 10
Defense security experts interviewed the accused for the Preliminary Classification Review (Encl 81, #0120)
27 Oct 10
Trial counsel emailed defense security expert the Security Classification Guide for their preliminary classification review (Encl 81, #0183)
19 Nov 10
18 Sep 10
Defense response to PCR (Chronology)
28 Sep 10
Defense requested second security expert to assist with Preliminary Classification Review and proper storage container (Encl 41)
21 Oct 10 – 1 Nov 10
Defense requested discovery for PCR (e.g., the accused's training records, Security Classification Guide, etc.) (Encl 81, #0120; Encl 47)
10 Nov 10
SPCMCA issued Supplemental Guidance for Preliminary Classification Review (Encl 48)
13 Dec 10
Preliminary Classification Review concluded (Encl 49)
13 Dec 10


RCM 706 Board
(13 Dec 10 – 22 Apr 11)
13 Dec 10
SPCMCA ordered RCM 706 board to resume (Encl 29)
3 Feb 11
RCM 706 board notified trial counsel and defense that it planned to begin its testing and interview of the accused on 16 Feb 11 (Encl 81, #0335)
11 Feb 11
Trial counsel provided RCM 706 board with additional charge sheet (Encl 81, #0381)
2 Mar 11
Defense suggested that he meet the accused on a Saturday to accommodate the safety/transportation concerns (Encl 81, #0410)
5 Mar 11
13 Dec 10 – 3 Feb 11
Trial counsel obtained TS-SCI security clearances and read-ons for prosecution team, defense team, RCM 706 board members, and Article 32 IO
7 Feb 11
Defense notified the board that it views the suspense as "aspirational" and that the board "should feel free to take the time necessary to conduct a thorough and complete examination of [the accused]" and that "undoubtedly, any request for an extension of time by the board would be granted" (Encl 81, #0328)
15 Feb 11
Defense requested to meet with the accused before the RCM 706 board interview (Encl 81, #0341)
5 Mar 11 Saturday
Defense requested to meet with the accused on 11 Mar 11 (Encl 81, #0392)
7 Mar 11 Monday
Defense requested to meet with the accused on 25-26 Mar 11 because of the increase in cost of transportation (Encl 81, #0395)
22 Apr 11

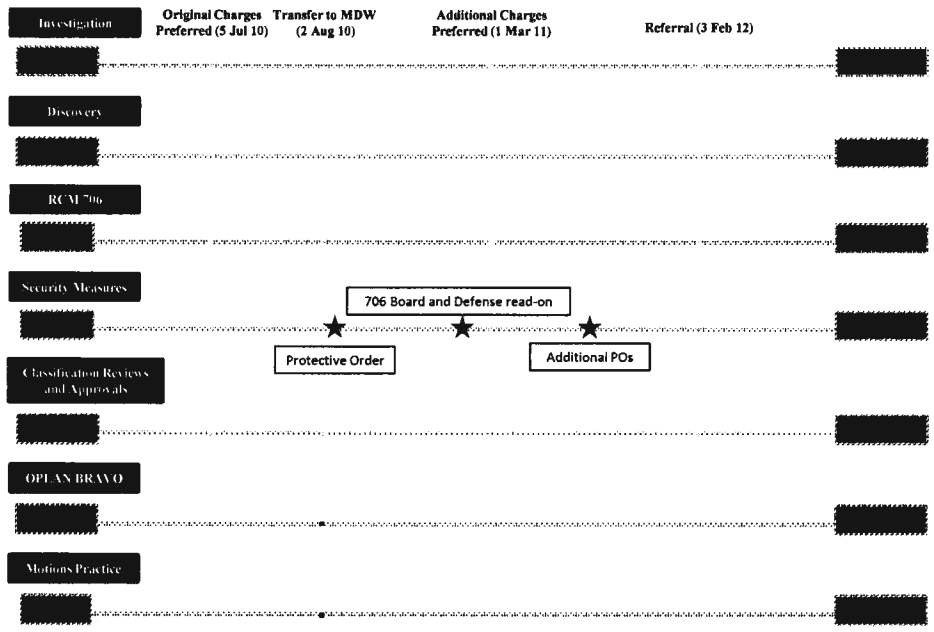


Recap (RCM 706)

- Defense Requests
- Search for Facility and Board Members
- Preliminary Classification Review
- Security Clearances for Board Members
- RCM 706 Board Execution

Security Measures

Macro Timeline



Overview (Security Measures)

- 22 Protective Orders
- Preliminary Classification Review
- Security Clearances
  - RCM 706 board members
  - Defense Team and Experts
  - 13 Defense Expert Requests

Security Measures

28 Jul 10

	28 Jul 10	GCMCA issued protective order (*Encl 38*)
Defense notified trial counsel that the accused would not divulge classified information during RCM 706 board (*Encl 81, #0015*)	5 Aug 10	
	26 Aug 10	Defense notified trial counsel that the accused would need to divulge TS-SCI to the RCM 706 board (*Encl 11*)
Defense requested security clearances for defense team and access for accused (*Encl 36*)	2 Sep 10	
	17 Sep 10	SPCMCA issued Protective Order for Classified Information (*Encl 37*)
Preliminary Classification Review	17 Sep 10 – 13 Dec 10	
	13 Jan 11	Trial counsel formally requested security clearances for prosecution team, defense team (including forensic psychiatry expert), RCM 706 board members, and Article 32 IO (*Encl 50*)
Trial counsel notified defense that all RCM 706 board members had been read-on to the required compartments and provided update on defense counsel's status (*Encl 81, #0308*)	31 Jan 11	
	3 Feb 11	Civilian defense counsel read-on in Charlottesville, VA (*Encl 1, at 0248*)
SPCMCA issued Protective Orders for Law Enforcement Sensitive Information and Secretary of the Army AR 15-6 Investigation (*AE 407, #46*)	22 Jun 11	
	May-Aug 11	18 federal protective orders entered

Present Day

Security for Defense Team

- Expert in Computer Forensics
  - Requested 13 Jul 10; Appointed 23 Jul 10 (Chronology)
- Expert in Forensic Psychiatry
  - Requested 25 Aug 10; Appointed 12 Oct 10 (Chronology)
- Defense Security Expert
  - Appointed 17 Sep 10 (Chronology)
- Second Security Expert
  - Requested 28 Sep 10; Appointed 12 Oct 10 (Chronology)
- Expert in Information Assurance
  - Requested 28 Oct 10; Appointed 14 Jan 11 (Chronology)
- National Security Investigator
  - Requested 29 Nov 10; Denied 17 Dec 10 (Chronology)

Security for Defense Team (cont.)

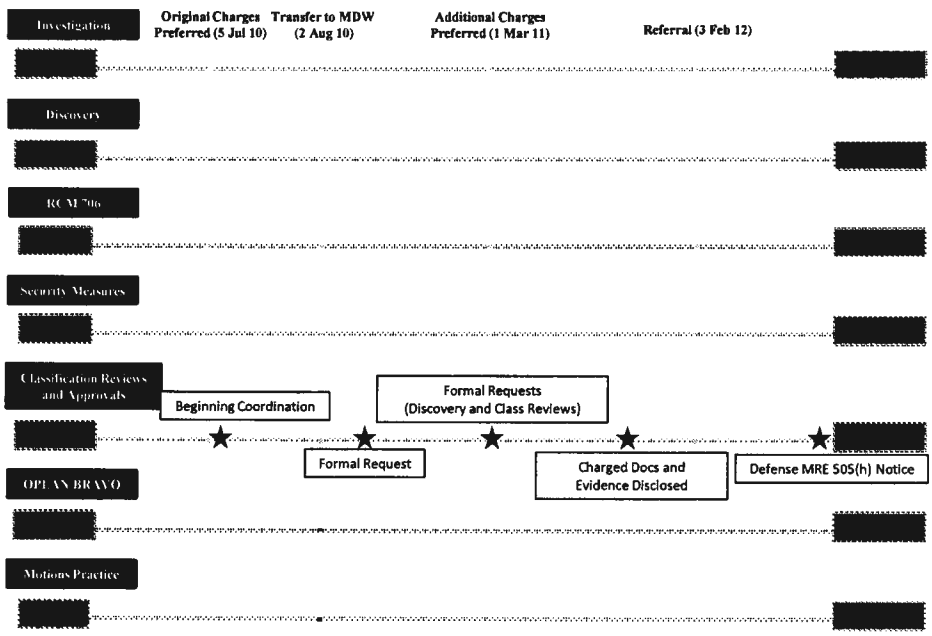
- Replacement Expert in Forensic Psychiatry
  - Requested 12 Jan 11; Appointed 14 Jan 11 (Encl 81, #0246, 0253)
- Expert in Neuropsychology
  - Requested 18 Feb 11; Appointed 5 Apr 11 (Chronology)
- Mitigation Expert
  - Requested 8 Mar 11; Denied 5 Apr 11 (Chronology)
- Replacement Expert in Neuropsychology
  - Requested 20 Apr 11; Appointed 4 May 11 (Chronology)
- Expert in Computer Forensics and Additional Funding
  - Requested 6 Jul 11 (Encl 81, #0609)
- Expert in Psychiatry
  - Requested 3 Aug 11; Appointed 10 Aug 11 (Encl 80)
- Expert in Computer Forensics
  - Requested 9 Aug 11; Appointed 10 Aug 11 (Encl 80)

Recap (Security Measures)

- 22 Protective Orders
- Preliminary Classification Review
- Security Clearances
  - RCM 706 board members
  - Defense Team and Experts
  - 13 Defense Expert Requests

Classification Reviews and Approval to Disclose Evidence and Discovery

Macro Timeline



Overview

- Classification Reviews
  - Charged Documents (28 Jul 10 – 2 Dec 11)
  - Evidence (28 Jul 10 – Present Day)
- Approval to Disclose Evidence and Discovery
  - Charged Documents
  - Unclassified CID Case File
  - Digital Media
  - CCIU Forensic Reports
  - Military Investigations
  - Grand Jury Material
  - Defense MRE 505(h) Notice

Classification Reviews

Classification Reviews

25 May 10

Accused and jurisdiction transferred to MDW (*Encl 13-16*)	28 Jul 10 2 Aug 10	Early Jul 10 — Trial counsel in Iraq began coordinating with DOS and DOD for classification reviews (*Encl 10*)
Trial counsel begins communicating with DOS about classification reviews (*Encl 3 to AE 449, #13, AE 407, #5*)	10 Aug 10	28 Jul 10 — Trial counsel at MDW begins coordinating with DOD for classification reviews (*AE 407, #39*)
Trial counsel begins communicating with OGA#1 about classification review (*Encl 5 to AE 449, #13; AE 407, #5*)	6 Oct 10	26 Aug 10 — Defense requests results of classification reviews (*Encl 22*)
Trial counsel begins communicating directly with CENTCOM about classification reviews (*Encl 1 to AE 449, #13, AE 407, #5*)	20 Oct 10	18 Oct 10 — Trial counsel received classification review for Specification 2, Charge II (*AE 407, #39*)
Trial counsel coordinated with OTJAG to discuss SOUTHCOM classification review (*Encl 4 to AE 449, #47, AE 407, #5*)	16 Nov 10	Early-Nov 10 — Trial counsel requested that DOS do an initial sort of purported cables to determine which ones, if any, were classified (*Encl 3 to AE 449, #15*)
		30 Nov 10 — Trial counsel requested DOD conduct a classification review of several documents (*Encl 20*)

Present Day

Classification Reviews

25 May 10

Trial counsel received incomplete CENTCOM classification review (*Encl 1 to AE 449, #81; AE 407, #43*) — 22 Feb 11

Trial counsel requested DOS conduct an "informal" classification review to understand what a full and formal classification review would require based on the volume (*Encl 3 to AE 449, #16*) — Early-Dec 10

Trial counsel formalized its request that DOS, CENTCOM, SOUTHCOM, INSCOM, ODNI, CYBERCOM, OGA#2, DISA, and OGA#1 conduct classification reviews (*Encl 20; AE 407 #10*) — 18 Mar 11

Trial counsel begins coordinating with INSCOM about classification review (*Encl 2 to AE 449, #9, AE 407, #5*) — 9 Mar 11

Trial counsel submitted Updated Requests for Classification Review to OGA#1 (*Encl 21*) — 6 May 11

Trial counsel submitted Updated Requests for Classification Review to DOD, CENTCOM, DOS, SOUTHCOM, OGA#1 and ODNI (*Encl 20-21*) — 28 Jul 11

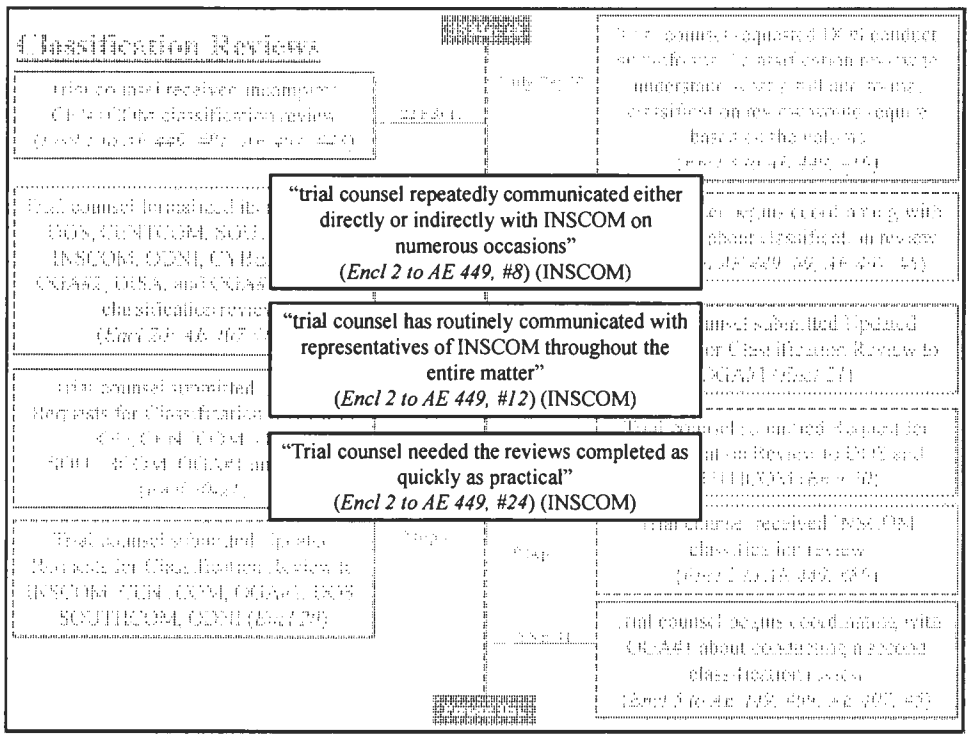
Trial counsel submitted Request for Classification Review to DOS and SOUTHCOM (*Encl 20*) — 4 Aug 11

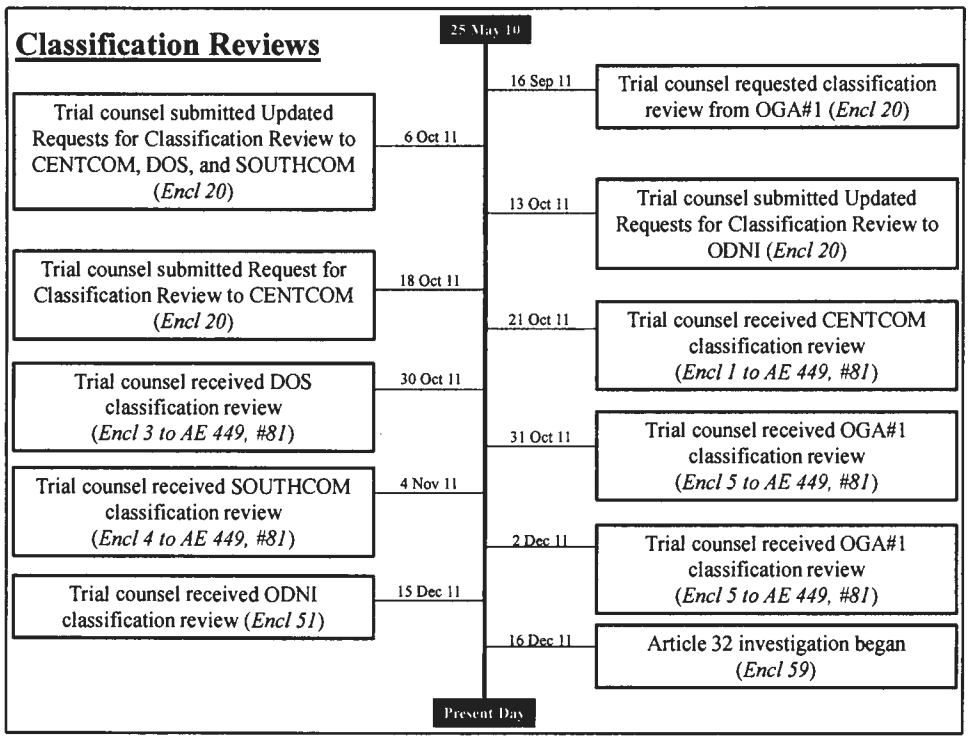
Trial counsel received INSCOM classification review (*Encl 2 to AE 449, #80*) — 9 Sep 11

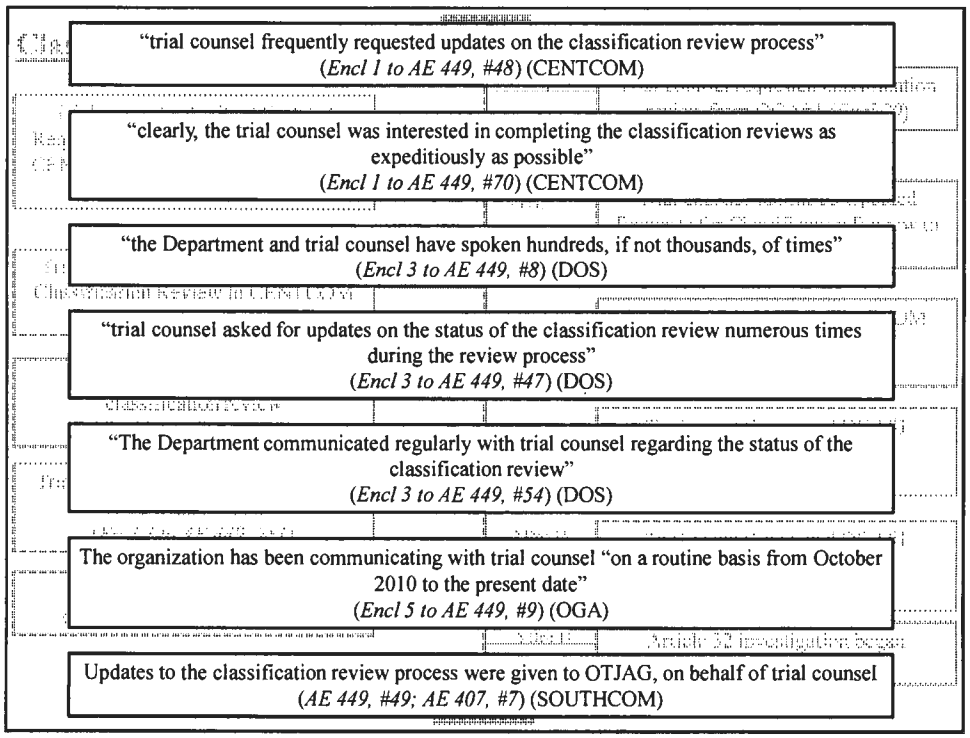
Trial counsel submitted Updated Requests for Classification Review to INSCOM, CENTCOM, OGA#1, DOS, SOUTHCOM, ODNI (*Encl 20*) — 7 Sep 11

Trial counsel begins coordinating with OGA#1 about conducting a second classification review (*Encl 5 to AE 449, #69; AE 407, #5*) — 15 Sep 11

Present Day




Classification Reviews
25 May 10
Trial counsel submitted Updated Requests for Classification Review to CENTCOM, DOS, and SOUTHCOM (Encl 20)
6 Oct 11
Trial counsel submitted Request for Classification Review to CENTCOM (Encl 20)
18 Oct 11
Trial counsel received DOS classification review (Encl 3 to AE 449, #81)
30 Oct 11
Trial counsel received SOUTHCOM classification review (Encl 4 to AE 449, #81)
4 Nov 11
Trial counsel received ODNI classification review (Encl 51)
15 Dec 11
16 Sep 11
Trial counsel requested classification review from OGA#1 (Encl 20)
13 Oct 11
Trial counsel submitted Updated Requests for Classification Review to ODNI (Encl 20)
21 Oct 11
Trial counsel received CENTCOM classification review (Encl 1 to AE 449, #81)
31 Oct 11
Trial counsel received OGA#1 classification review (Encl 5 to AE 449, #81)
2 Dec 11
Trial counsel received OGA#1 classification review (Encl 5 to AE 449, #81)
16 Dec 11
Article 32 investigation began (Encl 59)
Present Day


"trial counsel frequently requested updates on the classification review process" (Encl 1 to AE 449, #48) (CENTCOM)
"clearly, the trial counsel was interested in completing the classification reviews as expeditiously as possible" (Encl 1 to AE 449, #70) (CENTCOM)
"the Department and trial counsel have spoken hundreds, if not thousands, of times" (Encl 3 to AE 449, #8) (DOS)
"trial counsel asked for updates on the status of the classification review numerous times during the review process" (Encl 3 to AE 449, #47) (DOS)
"The Department communicated regularly with trial counsel regarding the status of the classification review" (Encl 3 to AE 449, #54) (DOS)
The organization has been communicating with trial counsel "on a routine basis from October 2010 to the present date" (Encl 5 to AE 449, #9) (OGA)
Updates to the classification review process were given to OTJAG, on behalf of trial counsel (AE 449, #49; AE 407, #7) (SOUTHCOM)

Approvals for Disclosure of Evidence and Discovery

Approval to Disclose Evidence and Discovery

25 May 10

- 1 Mar 11 — Additional Charges Preferred (*Chronology*)
- 15 Mar 11 — Trial counsel requested to review SecArmy investigation, completed 14 Feb 11 (*AE 407, #444*)
- 21 Mar 11 — Trial counsel submitted written request to DIA and DISA for approval to disclose classified information (*Encl 23-24*)
- 29 Mar 11 — Trial counsel received DOS and OGA#1 approval to disclose classified info (*Encl 25*)
- 7 Apr 11 — Trial counsel received DIA approval to disclose classified information (*Encl 25*)
- 26 Feb 11 — Trial counsel coordinated meeting to discuss the next steps for receiving approval to disclose classified information with various OCAs (*Encl 1, #0305*)
- 14 Mar 11 — Trial counsel submitted written request to DOD, DOS, ODNI, OGA#1 and OGA#2 for approval to disclose classified information (*Encl 23-24*)
- 21 Mar 11 — Trial counsel began reviewing SecArmy investigation, completed 14 Feb 11 (*AE 407, #444*)
- 29 Mar 11 — Trial counsel received DISA approval to disclose classified info (*Encl 25*)
- 30 Mar 11 — Trial counsel received initial DOD approval to disclose certain classified information (*Encl 1, #0387*)
- Apr 11 — Trial counsel learned unclassified CID case file may contain classified information (*AE 339, pg 21*)

Present Day

Approval to Disclose Evidence and Discovery

25 May 10

- 2 May 11 — Trial counsel requests authority to disclose Sec Army investigation (*Encl 1, #0457*)
- 17 Jun 11 — Trial counsel received approval to disclose SecArmy 15-6 investigation, subject to a protective order (*AE 407, #444*)
- 30 Jun 11 — Trial counsel produced SecArmy investigation after defense acknowledged receipt of SPCMCA's Protective Order (*Encl 18*)
- 11 Aug 11 — Trial counsel submitted updated written request to OGA#1 for approval to disclose classified information (*Encl 23*)
- 22 Sep 11 — CCIU completed 16 classified forensic reports (*Encl 26; AE 407, #59*)
- 4 Oct 11 — ODNI approved disclosure of classified evidence (*AE 407, #59*)
- Apr -Jun 11 — Army G2 office reviewed approximately 900 pages of CID case file for any equity holders of classified information (*AE 407, #45; Mr. Haggett testimony*)
- 13 Jun 11 — Trial counsel was notified that unclassified CID case file contained potentially classified information (*Encl 2, #0085*)
- 23 Jun 11 — Trial counsel submitted written request to FBI and updated requests to DOD, DIA, and OGA#1 for approval to disclose classified material (*Encl 23-4*)
- 4 Aug 11 — Trial counsel submitted updated written requests to FBI, DOD, and DIA for approval to disclose classified information (*Encl 23*)
- 17 Sep 11 — Equity holders approved disclosure of classified information contained within unclassified CID case file to defense; CID regulation required classification review prior to release of CID file (*AE 407, #46; Encl 72*)

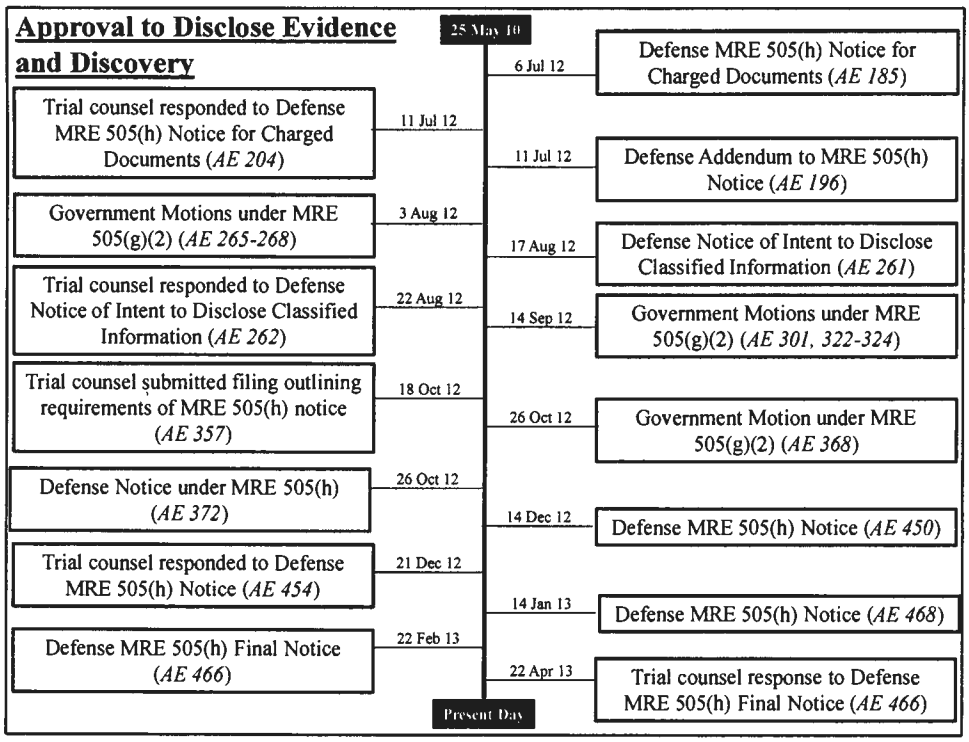
Present Day

Approval to Disclose Evidence and Discovery

25 May 10

- 26 Oct 11 — Trial counsel requested approval from DOD to disclose forensic reports (*AE 407, #59; Encl 23*)
- 28 Oct 11 — All OCAs approved disclosure of the 22 forensic reports, consisting of classified information from approximately 8 terabytes of digital media in this case (*AE 407, #59*)
- 8 Nov 11 — Trial counsel produced classified information contained within CID case file (*Encl 18*)
- 12 Apr 12 — Trial counsel reviewed the transcripts of grand jury testimony (*AE 264 at 15*)
- 21 May 12 — Trial counsel produced grand jury material (*Encl 18*)
- 22 Jun 12 — Government Motion under MRE 505(g)(2) (*AE 156*)
- 4 Oct 11 — CID approved release of forensic reports after confirming nothing was classified pursuant to CID's original classification authority (*AE 407, #59*)
- 20 Oct 11 — CCIU completed 1 classified forensic report (*Encl 26*)
- 27 Oct 11 — Trial counsel received properly marked documents originating from unclassified CID case file from those equity holders (*AE 407, #46*)
- 4 Nov 11 — Trial counsel produced CID forensic reports (*Encl 18*)
- 23 Mar 12 — Court's Ruling: Defense Motion to Compel Discovery (*AE 36*)
- 18 May 12 — Government Motions under MRE 505(g)(2) (*AE 132-133*)
- 8 Jun 12 — Government Motion under MRE 505(g)(2) (*AE 141*)
- 22 Jun 12 — Court's Ruling: Defense Motion to Compel Discovery #2 (*AE 147*)

Present Day



Efforts to Expedite Approval Process

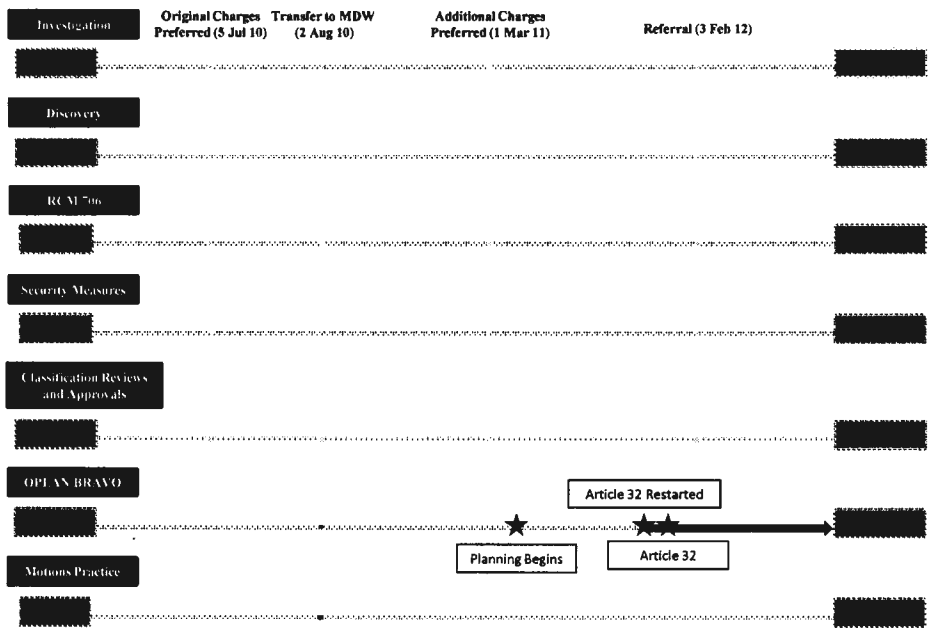
- Trial counsel's request for approval to disclose classified evidence to the defense included any derivative use of the classified information, which sped up the process to disclose the forensic reports

Recap

- Classification Reviews
  - Charged Documents (28 Jul 10 – 2 Dec 11)
  - Evidence (28 Jul 10 – Present Day)
- Approval to Disclose Evidence and Discovery
  - Charged Documents
  - Unclassified CID Case File
  - Digital Media
  - CCIU Forensic Reports
  - Military Investigations
  - Grand Jury Material
  - Defense MRE 505(h) Notice

OPLAN BRAVO

Macro Timeline



OPLAN BRAVO

- Necessity
  - SPCMCA's workforce (COL Coffman's testimony)
  - Media attention (COL Coffman's testimony)
- Phase I: Coordination and Planning
  - Concept of Operations began 11 May 11 (*Encl 58, pg 3*)
  - Bi-weekly Operations Planning Group teleconferences starting 1 Jun 11 (*Encl 58, pg 3*)
  - Security
  - Travel
  - Public Affairs
  - Resourcing/Contracting
  - IT Support
  - Installation Management Organizations

OPLAN BRAVO

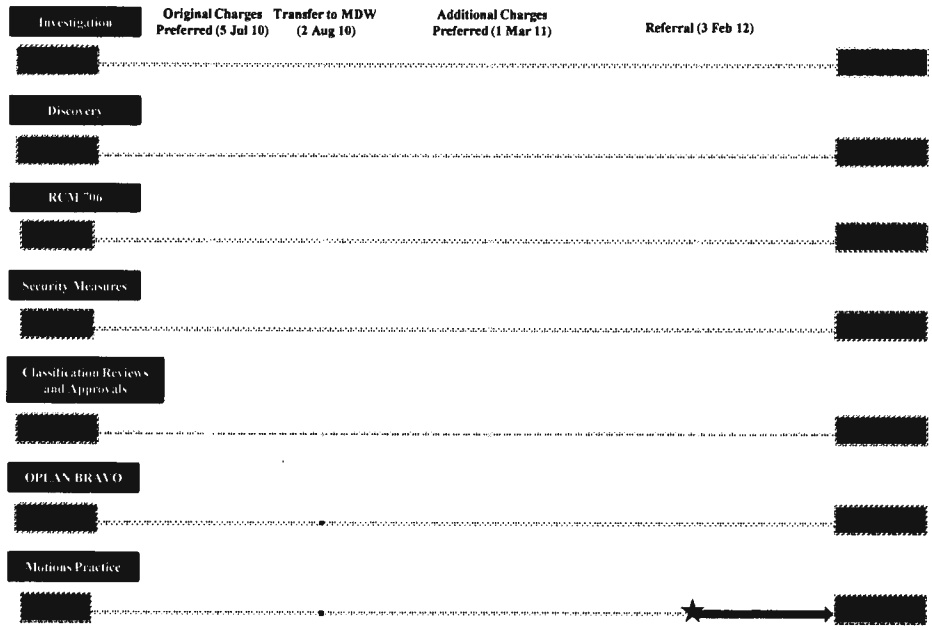
- Phase II-V: Execution
  - Triggered by SPCMCA ordering Article 32 to restart (16 Nov 11) (*Encl 12*)
  - Coordination across Eight Sections within MDW, HQDA, and other commands (*Encl 58, pg 5-7*)
  - Phase II: Transfer of accused for Article 32 hearing
  - Phase III: Conduct Article 32 hearing
  - Phase IV: Transfer of Accused
  - Phase V: Branch Plans (including trial)

Efforts to Expedite OPLAN BRAVO

- OPLAN BRAVO discussions began May 2011
- Trial counsel identified the necessity of OPLAN BRAVO, to include necessity to provide a Supporting Command, early on

MOTIONS PRACTICE

Macro Timeline



MOTIONS PRACTICE

- 450+ Appellate Exhibits
- 8 Article 39(a) Sessions
  - More than 30 days in Article 39(a) Sessions
  - More than 30,000 pages in motions practice-unclassified and classified
  - 27 Witnesses
  - More than 80 hours of testimony

"Periods of Apparent Inactivity"

"Apparent Inactivity"

- 31 May 10 – 5 Jul10
- 13 Jul 10 – 30 Jul 10
- 23 Apr 11 – 12 May 11
- 13 May 11 – 17 Jun 11
- 18 Jun 11 – 5 Jul 11
- 6 Jul 11 – 26 Jul 11
- 26 Jul 11 – 29 Aug 11
- 30 Aug 11 – 28 Sep 11
- 29 Sep 11 – 27 Oct 11
- 28 Oct 11 – 15 Nov 11
- 17 Nov 11 – 15 Dec 11
- 22 Dec 11 – 3 Jan 12
- 12 Jan 12 – 2 Feb 12

31 May 10 – 5 Jul 10

- 31 May 10 – accused received by confinement facility (*Encl 6*)
- 11 Jun 10 – trial counsel received CID Report of Investigation (*Encl 8*)
- Jun 10 – trial counsel began meeting with DSS (*Encl 57, pg 13*)
- 23 Jun 10 – Iraq CID investigation transferred to CCIU (*Encl 9*)
- 30 Jun 10 – trial counsel contacted USF-I SJA to discuss plan for moving the accused to a long-term confinement facility (*Encl 33, para 3*)
- 1 Jul 10 – Iraq trial counsel contacted medical facilities overseas to begin coordination for RCM 706 board and to identify a provider (*Encl 33, para 4*)
- 4 Jul 10 – trial counsel notified that CG, Third Army/USARCENT ordered that the accused be transferred from TFCF (*Encl 33, para 5*)
- 5 Jul 10 – original charges preferred (*Chronology*)

13 Jul 10 – 30 Jul 10

- 11-15 Jul 10 – Trial counsel requested assistance in locating a provider for RCM 706 (*Encl 33*)
- Mid-July 10 – Trial counsel met with DOJ and CID to discuss way forward (*Encl 10*)
- 27 Jul 10 – Trial counsel requested assistance obtaining a provider to conduct the RCM 706 board (*Encl 33*)
- 28 Jul 10 – Trial Counsel requested assistance from DOD for classification reviews (*Encl 10*)
- 28 Jul - 2 Aug 10 – Accused and jurisdiction for court-martial transferred to MDW (*Encls 13-16*)
- 30 Jul 10 – Trial counsel notified of status of classification review for Specification 2 of Charge II (*Encl 10*)

23 Apr 11 – 12 May 11

- 23 Apr 11 – trial counsel notified defense it was identifying a neuropsychologist in vicinity of Fort Leavenworth (*Encl 81, #0494*)
- 25 Apr 11 – trial counsel updated SPCMCA and requested delay of Article 32 (*Encl 11*)
- 29 Apr 11 – SPCMCA approved request for delay (*Encl 12*)
- 2 May 11 – trial counsel requests authority to disclose Sec Army 15-6 to defense (*Encl 1, #0457*)
- 5 May 11 – trial counsel had phone meeting with defense to discuss progress and updates (*Encl 81, #0509*)
- 6 May 11 – trial counsel requests authority to disclose classified information (*Encl 24*)
- 9 May 11 – meeting with DOD to discuss Prudential Search Request (*Encl 1, #0453*)
- 12 May 11 – discovery production (USF-I 15-6 investigation) (*Encl 18*)
- 23 Emails with Defense, including 2 emails with the Article 32 IO, spanning 14 duty days (*Encl 81, #0494-0517*)

13 May 11 – 17 Jun 11

- 13 May 11 – defense discovery request (*Encl 68*)
- 16 May 11 – correspondence with defense relating to newly assigned counsel (*Encl 81, #0520-1*)
- 18 May 11 – trial counsel corresponded with DSS to discuss reviewing its records (*Encl 1, #0469*)
- 22 May 11 – trial counsel updated SPCMCA and requested delay of Article 32 (*Encl 11*)
- 25 May 11 – trial counsel submitted Prudential Search Requests to multiple organizations (*Encl 53*); defense requested forensic images of all media involved (*Encl 81, #0539*)
- 26 May 11 – trial counsel responded to defense request for forensic images of all media involved (*Encl 81, #0540*); SPCMCA approved request for delay (*Encl 12*)
- 31 May 11 – trial counsel corresponded with OTJAG to retrieve material responsive to Prudential Search Request (*Encl 1, #0482*)
- 3 Jun 11 – trial counsel contacted DOS for update on classification review (*Encl 1, #0484*)
- 6 Jun 11 – trial counsel submitted Prudential Search Requests (*Encl 53*); trial counsel submitted updated Prudential Search Requests (*Encl 53*)
- 9 Jun 11 – discovery production (*Encl 18*); trial counsel updated defense on outstanding issues (*Encl 81, #0550*)
- 13 Jun 11 – trial counsel met with ONCIX to discuss Prudential Search Request (*Encl 57*)
- 14 Jun 11 – trial counsel submitted Prudential Search Request to organizations (*Encl 53*)
- 17 Jun 11 – Accounting Memorandum and Command Update (*Encl 28*)
- 43 Defense Emails, including 5 emails with the Article 32 IO, spanning 24 duty days (*Encl 81, #0518-0561*)

18 Jun 11 – 5 Jul 11

- 19 Jun 11 – trial counsel notified defense that it received approval to disclose classified information and that CID found an additional classified document on the accused's computer (*Encl 81, #0562*)
- 22 Jun 11 – trial counsel provided defense two protective orders for unclassified discovery and provided updates on paralegal support (*Encl 81, #0579*)
- 23 Jun 11 – trial counsel requested authority from FBI, DOD, DIA and OGA#1 to disclose information (*Encls 23-4*)
- 27 Jun 11 – trial counsel submitted Prudential Search Requests to additional organizations (*Encl 53*)
- 27 Jun 11 – trial counsel updated SPCMCA and requested delay of Article 32 (*Encl 11*)
- 30 Jun 11 – discovery production (8,430 pages) (*Encl 18*)
- 5 Jul 11 – SPCMCA approved request for delay (*Encl 12*)
- 44 Defense Emails, including 3 emails with the Article 32 IO, spanning 10 duty days (*Encl 81, #0562-0606*)

6 Jul 11 – 26 Jul 11

- 13 Jul 11 – trial counsel updated SPCMCA and SPCMCA issued Accounting Memorandum (*Encl 28*)
- 18 Jul 11 – defense requested clarification on why multiple protective orders are necessary, and acknowledged updates provided by trial counsel (*Encl 81, #0622*)
- 18 Jul 11 – trial counsel responded to defense's inquiry regarding the multiple protective orders (*Encl 81, #0623*)
- 21 Jul 11 – trial counsel received draft tasking letter relating to Prudential Search Request from DOD (*Encl 1, #0553*)
- 22 Jul 11 – trial counsel updated SPCMCA and requested delay of Article 32 (*Encl 11*)
- 25 Jul 11 – discovery production (3,019 pages) (*Encl 18*)
- 26 Jul 11 – SPCMCA approved request for delay (*Encl 12*)
- 40 Defense Emails, spanning 15 duty days (*Encl 81, #0607-0647*)

27 Jul 11 – 29 Aug 11

- 28 Jul 11 – trial counsel submitted updated request for classification reviews (*Encl 20*)
- 1 Aug 11 – trial counsel notified defense on additional classified information found on the accused's personal computer (*Encl 81, #0670*)
- 2 Aug 11 – trial counsel explained to defense that multiple media devices contained classified info and that all the information is inextricably commingled (*Encl 81, #0672*); discovery production (*Encl 18*)
- 3 Aug 11 – defense expert request (*Encl 80; Encl 1, #0579*)
- 4 Aug 11 – trial counsel requested approval to disclose charged documents to defense (*Encl 23*)
- 9 Aug 11 – defense expert request (*Encl 80*); discovery production (6,003 pages) (*Encl 18*)
- 10 Aug 11 – Accounting Memorandum (*Encl 28*)
- 11 Aug 11 – trial counsel requested authority to disclose OGA#1 information (*Encl 24*); discovery production (2058 pages) (*Encl 18*)
- 15 Aug 11 – trial counsel requested approval to disclose FBI case file (*Encl 17*)
- 16 Aug 11 – trial counsel submitted Prudential Search Request (*Encl 53*)
- 22 Aug 11 – trial counsel updated defense on multiple issues, including status of expert security clearances and travel (*Encl 81, #0788*)
- 25 Aug 11 – trial counsel requested delay of Article 32 (*Encl 11*)
- 29 Aug 11 – SPCMCA approved request for delay (*Encl 12*)
- 167 Defense Emails, including 2 emails with the Article 32 IO, spanning 24 duty days (*Encl 81, #0648-0815*)

30 Aug 11 – 28 Sep 11

- 31 Aug 11 – trial counsel responded to defense concerns regarding experts (*Encl 81, #0818*)
- 1 Sep 11 – discovery production (437 pages) (*Encl 18*)
- 7 Sep 11 – trial counsel requested update on DOD Prudential Search Request (*Encl 1, #0638*); trial counsel submitted updated request for classification reviews (*Encl 20-21*)
- 8 Sep 11 – trial counsel updated defense on status of getting defense three laptops for viewing of classified information (*Encl 81, #0826*)
- 15 Sep 11 – Accounting Memorandum (*Encl 28*)
- 16 Sep 11 – trial counsel provided defense a memorandum outlining the specialized computer equipment being provided to the defense to review classified information (*Encl 81, #0841*)
- 19 Sep 11 – discovery production (77 pages) (*Encl 18*)
- 21 Sep 11 – defense submitted preservation request (*Chronology*)
- 22 Sep 11 – trial counsel met with ONCIX to get update on damage assessment (*Encl 57, page 33*); CCIU completed numerous forensic reports (*Encl 26*)
- 26 Sep 11 – trial counsel requested delay of Article 32 (*Encl 11*)
- 28 Sep 11 – SPCMCA approved request for delay (*Encl 12*)
- 61 Defense Emails, including 2 emails with the Article 32 IO, spanning 20 duty days (*Encl 81, #0816-0877*)

29 Sep 11 – 27 Oct 11

- 30 Sep 11 – defense requested supplies (*Encl 81, #0887*)
- 3 Oct 11 – discovery production (12,158 pages) (*Encl 18*); trial counsel received final version of forensic reports (*Encl 1, #0672*)
- 4-6 Oct 11 – trial counsel submitted preservation requests based on defense request (*Encl 52*)
- 6 Oct 11 – trial counsel submitted updated request for classification reviews (*Encl 20-21*); trial counsel requested damage assessments (*Encl 56*)
- 6 Oct 11 – trial counsel explained to defense that the purpose of its presentation to the defense of its case-in-chief was to "orient you to the facts of the case, the layout of the reports, and give a brief overview of the prosecution's case" "to speed up the pre-trial process and minimize any future delays" (*Encl 81, #0897-0898*)
- 11 Oct 11 – trial counsel requested contact information for each agency contacted by ONCIX (*Encl 57*)
- 12 Oct 11 – discovery production (280 pages) (*Encl 18*)
- 13 Oct 11 – defense discovery request (*Encl 68*)
- 14 Oct 11 – Accounting Memorandum and Command Update(*Encl 28*)
- 20 Oct 11 – discovery production (492 pages) (*Encl 18*)
- 25 Oct 11 – trial counsel submitted Prudential Search Request (*Encl 70*); trial counsel requested delay of Article 32 (*Encl 11*); trial counsel requested approval to disclose IRTF report (*Encl 56*)
- 26 Oct 11 – trial counsel requested approval to disclose all outstanding DOD classified info to the defense (*Encl 23*)
- 27 Oct 11 – SPCMCA approved request for delay (*Encl 12*); trial counsel notified defense that equipment for handling classified information is available for pick-up (*Encl 81, #0932*)
- 62 Defense Emails, including 1 email with the Article 32 IO, spanning 21 duty days (*Encl 81, #0878-0940*)

28 Oct 11 – 15 Nov 11

- 4 Nov 11 – discovery production (forensic reports) (329,056 pages) (*Encl 18*)
- 8 Nov 11 – trial counsel disclosed CENTCOM, OGA#1, DOS, and CYBERCOM classification reviews to defense (*Encl 18*)
- 8 Nov 11 – trial counsel presented to the defense a 327-slide PowerPoint presentation of its case during merits and presentencing phase (*Encl 57*)
- 9 Nov 11 – defense requested second meeting for prosecution to brief its case-in-chief to the accused (*Encl 81, #0974*)
- 15 Nov 11 – defense discovery request (*Encl 68*)
- 70 Defense Emails, including 8 emails with the Article 32 IO, spanning 13 duty days (*Encl 81, #0941-1011*)

17 Nov 11 – 15 Dec 11

- 17 Nov 11 – discovery production (5,631 pages) (SOUTHCOM classification review) (*Encl 18*)
- 18 Nov 11 – trial counsel presented a 258-slide PowerPoint presentation of its case during merits and presentencing phase to Mr. Coombs and the accused (*Encl 57*)
- 22 Nov 11 – defense submitted request for production of evidence (*Encl 74*)
- 23 Nov 11 – discovery production (7,408 pages) (*Encl 18*)
- 1 Dec 11 – discovery production (18,015 pages) (En*cl 18*)
- 1 Dec 11 – defense submitted request to compel production of evidence (*Encl 74*)
- 2 Dec 11 – trial counsel disclosed OGA#1 classification review to defense (*Encl 18*)
- 6-9 Dec 11 – discovery production (2,782 pages) (*Encl 18*)
- 9 Dec 11 – trial counsel responded to defense questions regarding logistics concerning the Article 32 investigation (*Encl 81, #1217*)
- 14 Dec 11 – defense requested assistance from trial counsel to provide physical control over the defense trailer during the Article 32 investigation between 2200 and 0800 (*Encl 81, #1267*)
- 254 Defense Emails, including 120 emails with the Article 32 IO, spanning 19 duty days (*Encl 81, #1029-1283*)

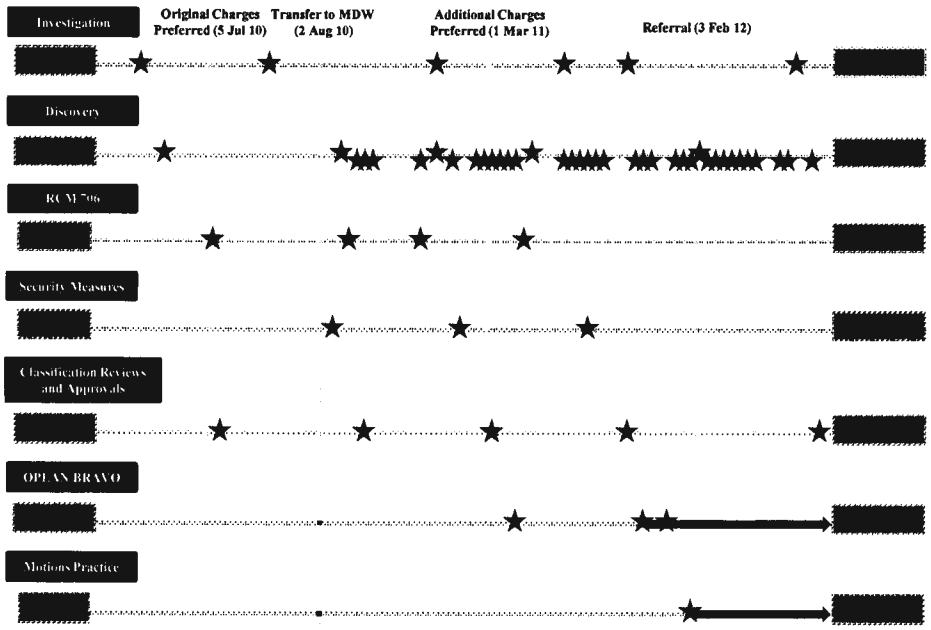
22 Dec 11 – 3 Jan 12

- 27 Dec 11 – trial counsel notified court reporter that it would ensure defense and Article 32 Investigating Officer receive versions of errata sheets for classified sessions (*Encl 81, #1299*)
- 2 Jan 12 – trial counsel requested meeting to discuss Prudential Search Request with DOD, DIA, FBI (*Encl 1, #0810-0812*)
- 3 Jan 12 – trial counsel sent Article 32 Investigating Officer the unclassified portion of the hearing's summarized transcript (*Encl 81, #1300*)
- 3 Jan 12 – trial counsel requested Article 32 Investigating Officer exclude any period of time that he did not work on report, to which the defense did not object (*Encl 81, #1300*)
- 3 Jan 12 – Accounting Memorandum (*Encl 28*)
- 4 Defense Emails, spanning 5 duty days (*Encl 81, #1297-1300*)

12 Jan 12 – 2 Feb 12

- 11 Jan 12 – Article 32 Investigating Officer excluded periods of delay under RCM 707(c), to which the defense did not object (*Encl 60*)
- 12 Jan 12 – discovery production (87 pages, including ODNI classification review) (*Encl 18*)
- 16 Jan 12 – defense submitted deposition request (*Encl 81, #1318*)
- 18 Jan 12 – trial counsel notified defense of SPCMCA's transmittal of case to GCMCA with recommendation for a general courts-martial (*Encl 81, #1325*)
- 20 Jan 12 – defense discovery request (*Encl 68*)
- 20 Jan 12 – discovery production (82 pages) (*Encl 18*)
- 23 Jan 12 – defense submitted deposition request (*Encl 81, #1342*)
- 26 Jan 12 – defense requested additional funding for expert (*Encl 81, #1354*)
- 27 Jan 12 – discovery production (496 pages) (*Encl 18*); trial counsel responded to outstanding defense discovery requests (*Encl 69*); defense requested clarification on trial counsel's responses to discovery requests (*Encl 81, #1367*)
- 30 Jan 12 – trial counsel responded to defense's request for clarification on discovery responses (*Encl 81, #1371*)
- 2 Feb 12 – trial counsel requested update from OTJAG on Prudential Search Request (*Encl 1, #0865*)
- 3 Feb 12 – Referral of Charges (*Charge Sheet*)
- 77 Defense Emails, spanning 16 duty days (*Encl 81, #1307-1384*)

Conclusion

- Investigation (25 May 10 – Present Day)
- Discovery (25 May 10 – Present Day)
- RCM 706 Board (11 Jul 10 – 22 Apr 11)
- Security Measures (28 Jul 10 – Present Day)
- Classification Reviews and Approval for Disclosure (25 May 10 – Present Day)
- OPLAN BRAVO (11 May 11 – Present Day)
- Motions Practice (3 Feb 12 – Present Day)
- "Periods of Apparent Inactivity"

Macro Timeline