UNITED STATES OF AMERICA	)	
	)	**Prosecution Disclosure of**
v.	)	***Giglio* Material**
	)	
Manning, Bradley E.	)	
PFC, U.S. Army,	)	**Enclosure**
HHC, U.S. Army Garrison,	)	
Joint Base Myer-Henderson Hall	)	**12 December 2012**
Fort Myer, Virginia 22211	)	

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

REPLY TO
ATTENTION OF

S: 16 Novemb[illegible] 2012

ANJA-CL

31 Octo[illegible]r 2012

MEMORANDUM THRU Staff Judge Advocate, III Corps, Fort Hood, TX 765[illegible]4

FOR Commander, 57th Signal Battalion, III Corps, Fort Hood, TX 76544

SUBJECT: Request to Search for, Preserve, and Disclose Impeachm[illegible] Mater[illegible]l - United States v. Private First Class (PFC) Bradley Manning

1. **PURPOSE**. The U.S. Army Prosecutors in the above-referenced [illegible]se ("prosecution") hereby make a three-fold request to III Corps. First, the prosecutio[illegible] requests that your command conduct a thorough and comprehensive search of its records for [illegible]mpeachment material relating to the individuals listed in the third paragraph below. [illegible]econd, should your command discover any such materials, the prosecution request[illegible] tha[illegible]ur [illegible]ommand take all reasonable and necessary steps to preserve any responsive records g[illegible]th[illegible]ed a[illegible] a result of your search. Third, the prosecution requests that your command disclose such r[illegible]ds to the prosecution for its review of discoverable information. See Giglio v. United States, 405 U.S. 150 (1972), Rule for Court-Martial 701(a)(6).

2. **BACKGROUND.** PFC Manning is [illegible]ged wi[illegible] Aiding the Enemy by Giving Intelligence, a violation of Article 104, Uniform Code o[illegible]Mi[illegible]tary Justice (UCMJ). Additionally, PFC Manning is charged with downloading vario[illegible] [illegible]lassi[illegible]ed documents, photographs, and videos from Secret Internet Protocol Router Network (SIPR[illegible]E[illegible]) websites and transferring them to his personal computer and transmitting this in[illegible]rmation to persons or organizations not entitled to receive it, in violation of United State[illegible]w.[1]

3. **WITNESSES.** On 15 [illegible]ctober [illegible]012, the prosecution identified, on its witness list, the below individual(s) who belo[illegible]s to [illegible] command. See Enclosure.

a. [redacted] y[illegible] (Ma[illegible]all) [redacted]

4. **LAW**. The Due P[illegible]ss Clause of the Fifth Amendment requires the prosecution to disclose evidence fav[illegible]ble to the accused that is material to either guilt or punishment. See Brady v. Maryland, 37[illegible] [illegible]. 83 (1963); see also United States v. Bagley, 473 U.S. 667, 674 (1985) (stating t[illegible] "[t]he Brady rule is based on the requirement of due process"). Favorable evidence incl[illegible]des impe[illegible]chment evidence. See Giglio, 405 U.S. at 154. Impeachment evidence includes, *b[illegible] is n[illegible]t limited to*, the following: Pending charges or investigations; Civil or administrative

[1] [illegible]FC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 [illegible]the UCMJ (18 U.S.C. § 793, 18 U.S.C. § 1030, and 18 U.S.C. § 641).

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actions; Drug use/distribution; Threats in favor of, or against, testifying; Prior service as informant; Convictions; Prior inconsistent statements; Known false statements; Acts of misconduct; Prior findings of incredibility; Psychiatric/mental conditions; Misconduct while in custody; Failed polygraph examination; Bias (e.g., animosity towards the accused, relationship with a victim, animosity toward a group of which the accused is a member or with which the accused is affiliated, etc.); Any benefits or incentives of testifying (e.g., assistance in state criminal proceeding, relocation assistance, non-prosecution agreements, etc.) and statements or conduct contradicting witness testimony.

5. **SUSPENSE**. The prosecution requests that your command search, preserve, and disclose the requested material no later than **Friday, 16 November 2012**. The prosecution requests an expedited suspense to ensure the accused receives a fair and speedy trial. If the prosecution identifies discoverable information, it will not disclose the material to the defense without prior authorization from your command.

6. The point of contact for this memorandum is the undersigned at (b) (6) [redacted]

ASHDEN FEIN
MAJ, JA
Trial Counsel

Encl
Prosecution Witness List, 15 October 2012

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