UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	**Scheduling Order**
Manning, Bradley E.	)	
PFC, U.S. Army,	)	
HHC, U.S. Army Garrison,	)	
Joint Base Myer-Henderson Hall	)	**DATE:** 9 January 2013
Fort Myer, Virginia 22211	)	

1. The Court is currently scheduling Article 39(a) sessions with the following default schedule at the request of the parties: two weeks for parties to file motions; two weeks for parties to file responses; five days for parties to file replies; and one week for the Court to review all pleadings before the start of the motions hearing. The time for filing replies was added after the first Article 39(a) session on 15-16 March 2012 because the Court received reply briefs the day before that session, the parties desire to continue to file replies, and the Court requires time to consider them.

2. Scheduling dates and suspense dates are set forth below. This schedule was coordinated with the parties. The trial schedule will be reviewed and updated as necessary at each scheduled Article 39(a) session.

a. Immediate Action (21 February 2012 - 16 March 2012)

b. Legal Motions, excluding Evidentiary Issues (29 March 2012 - 26 April 2012)

c. Legal Motions (10 May 2012 - 8 June 2012)

d. Interim Pretrial Motions (2 June 2012 - 25 June 2012)

e. Pretrial Motions (7 June 2012 - 20 July 2012)

f. Pretrial Motions (20 July 2012 - 30 August 2012)

g. Pretrial Motions (24 August 2012 - 18 October 2012)

h. Pretrial Motions (26 September 2012 - 2 November 2012)

i. Pretrial Motions (19 October 2012 - 12 December 2012)

j. Pretrial Motions (16 November 2012 - 11 January 2013)

k. Pretrial Motions (11 January 2013 - 17 January 2013)

(A) Article 39(a): 16-17 January 2013

(1) **Defense Motion for Speedy Trial, including Article 10 (Argument Only)**

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(2) **Government Supplement to Additional Request for Judicial Notice**
(A) Filing: 11 January 2013
(B) Response: 15 January 2013

(3) **Government Response to Defense Notice of Plea and Forum**
(A) Filing: 16 January 2013

(4) **Defense Motion to Compel Witness Testimony - Fort Leavenworth Witness**

l. <u>Pretrial Motions (14 January 2013 - 1 March 2013)</u>

(A) Filing: 31 January 2013
(B) Response: 14 February 2013
(C) Reply: 19 February 2013
(D) Article 39(a): 26 February - 1 March 2013

(1) **Providence Inquiry**
(A) Accused Proffer: 31 January 2013
(B) Defense Proposed Questions: 31 January 2013
(C) Government Proposed Questions: 7 February 2013

(2) **Supplemental Government Witness List (if necessary)**
(A) Filing: 31 January 2013

(3) **Grunden Hearing for Government Classified Information**

(4) **Litigation Concerning MRE 505(h) and MRE 505(i) (if not previously resolved)**

(5) **Government Notification of Security Clearances for Defense Witnesses (if necessary)**
(A) Filing: 14 February 2013
(B) Response: 19 February 2013

(6) **Defense MRE 505(h) Final Notice**
(A) Filing: 22 February 2013

(7) **Discussion of Storing all AEs in a Centralized Location**
(A) Filing: 8 February 2013

(8) **Government List of all Classified Information it intends to Request a Closed Session (Grunden)**
(A) Filing: 31 January 2013
(B) Response: 14 February 2013

(9) **Government Proposed Procedures for Closing Sessions (Grunden)**
(A) Filing: 31 January 2013
(B) Response: 14 February 2013

(10) **Notice of whether the Government will Request the Grunden Article 39(a) be an *in camera* Proceeding, in whole or in part, IAW MRE 505(i)**[1]

(A) Filing: 31 January 2013

m. <u>Pretrial Motions (10 - 12 April 2013)</u>

(A) Filing: 15 March 2013
(B) Response: 29 March 2013
(C) Reply: 3 April 2013
(D) Article 39(a): 10 - 12 April 2013

(1) **Defense Motion in Limine for Government Sentencing Case**

n. <u>Pretrial Motions (22 April 2013 - 24 May 2013)</u>

(A) Filing: 22 April 2013
(B) Response: 6 May 2013
(C) Reply: 11 May 2013
(D) Article 39(a): 21 - 24 May 2013

(1) **Grunden Hearing for Defense Classified Information**

(2) **Completion of Security Clearance Checks for Witnesses (as necessary)**

(3) **Government Notice of Alternatives of Classified Information in lieu of Closing the Courtroom**[2]
(A) Filing: 22 April 2013

(4) **MRE 505(i) Litigation, if any, based on Defense MRE 505(h) Final Notice, 22 February 2013**

(5) **Notice of Government Objections to Defense Use of Classified Information and Government Proposed Alternatives to Defense Use of Classified Information**

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[1] This Article 39(a) is currently scheduled to occur on 26 February - 1 March 2013.

[2] Alternatives include, but are not limited to stipulations; use of code words or special names; use of screens, disguises, and code names for classified witnesses; use of electronic imagery visible only to cleared trial participants and not the public; the "silent witness" rule; and syllabi or reference indexes.

o. <u>Trial by MJ Alone (3 June 2013 - UTC)</u>

Trial: 3 June 2013 - UTC

So **Ordered** this 9th day of January 2013.

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