IN THE UNITED STATES ARMY
FIRST JUDICIAL CIRCUIT

UNITED STATES	)	
	)	**DEFENSE NOTICE REGARDING POTENTIAL FOR MOTION TO COMPEL BASED UPON THE RESPONSES TO INTERROGATORIES**
v.	)	
	)	
MANNING, Bradley E., PFC U.S. Army, (b) (6) [redacted] Headquarters and Headquarters Company, U.S. Army Garrison, Joint Base Myer-Henderson Hall, Fort Myer, VA 22211	)	DATED: 17 November 2012

1. The Defense would like to alert the Court to the possibility of a potential renewal of its Motion to Compel Witnesses upon receipt of the OCA and Government's responses to the Defense's interrogatories. Based on the litigation to date, the Defense believes that many of the answers will be evasive, perfunctory and non-responsive. If this is the case, the Defense intends to renew its Motion to Compel witnesses for the speedy trial motion.

2. Under the current schedule, the Government will not file the OCA responses to interrogatories until 5 December 2012. Additionally, due to the request for leave and the practical realities of the Court not having an opportunity to rule on the request, it will not file its own responses to the interrogatories until 19 November 2012. Upon review of the responses, the Defense may renew its Motion to Compel Witnesses for the speedy trial motion. Since the speedy trial motion is scheduled to be litigated from 10 to 14 December 2012, this may present scheduling conflicts.

3. The Defense requests that the parties discuss the way forward at the next Article 39(a) session if the interrogatory responses are evasive, perfunctory or non-responsive.

Respectfully submitted,

DAVID E. COOMBS
Civilian Defense Counsel

APPELLATE EXHIBIT 404
PAGE REFERENCED: ____
PAGE ____ OF ____ PAGES