

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

**Prosecution Notice to the Court of
Defense's Notification Pursuant to
Military Rule of Evidence 505(h)**

1 March 2013

On 22 February 2013, the defense completed its notice of intent to disclose classified information in the above-captioned court-martial pursuant to Military Rule of Evidence (MRE) 505(h). On 28 February 2013, the parties met to discuss, and resolve, any issues relating to this defense filing.

In regard to the defense notice, the prosecution makes the following assumptions: the defense intends to share any documents that the government intends to share with the relevant witnesses, including charged documents, audit logs, and forensic reports.

As of the date of this filing, the only outstanding issues are as follows:

1. The United States requests greater specificity with respect to what classified information the defense intends to discuss with Mr. Jeffery Motes NLT 8 March 2013.
2. The United States requests greater specificity with respect to what classified information the defense intends to discuss with Mr. James McCarl NLT 8 March 2013.
3. The United States requests notice of which witnesses, if any, the defense intends to discuss the damage assessment prepared by the Office of the National Counterintelligence Executive (ONCIX). The defense requested the opportunity to review the damage assessment again, and the United States agreed to assist the defense in scheduling a time to review the ONCIX damage assessment. The defense will then submit a supplemental notice outlining which portions of the ONCIX damage assessment, if any, it intends to disclose at the court-martial and with which witnesses NLT 8 March 2013.
4. The United States intends to process the defense's MRE 505(h) notice, dated 14 December 2012 in reference to use of the Department of State, Department of Defense, and ONCIX damage assessments, but under the agreement that the defense is not seeking to share the original assessments with the accused. Both parties agree to work together toward stipulations of fact concerning the contents of the damage assessments, which would be shared with the accused and be used during trial. The United States is concurrently working with the relevant equity holders to obtain authorization to use the information or to ascertain whether or not the United

States will need to invoke the classified information privilege under MRE 505(c), in the event the parties cannot agree on a stipulation.



ASHDEN FEIN
MAJ, JA
Trial Counsel

I certify that I served or caused to be served a true copy of the above on Mr. David Coombs, Civilian Defense Counsel via electronic mail, on 1 March 2013.



ASHDEN FEIN
MAJ, JA
Trial Counsel