

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

Accounting of Discovery
and Expert Witnesses

CORRECTED COPY

15 May 2013

The purpose of this filing is to account for all discovery the United States produced, or made available for inspection, to the defense and for those government witnesses the United States may qualify as experts IAW Military Rule of Evidence (MRE) 702. This accounting does not supersede any prior filings, but instead is intended solely to provide clarity to the parties and the Court to avoid any confusion at trial and to provide all parties and appellate courts an accounting.

Accounting of Discovery

This filing accounts for all discovery which falls within the following categories: (1) all defense discovery requests, both pre-referral and post-referral; (2) all Court rulings relating to discovery, to include those relating to defense motions to compel discovery and all motions for limited discovery IAW MRE 505(g)(2), Rule for Courts-Martial (RCM) 701(g)(2), and MRE 505(i); and (3) all remaining material that the United States sought, and disclosed, pursuant to its obligations under RCM 701(a)(6), *United States v. Williams*, 50 M.J. 436, 441 (C.A.A.F. 1999), and the applicable rules of discovery.

If the defense is aware of any outstanding discovery which has not been accounted for below, the defense is invited to raise this issue with the United States.

The United States produced digital copies of most discovery to the defense, to include the contents of six administrative investigations relating to the charged misconduct, twenty-two forensic reports, the United States Army Criminal Investigation Command, Federal Bureau of Investigation, and Diplomatic Security Service investigative file relating to the accused, and damage assessments prepared by approximately forty government organizations. See Enclosure 18 to Appellate Exhibit (AE) 339.

This discovery (unclassified and classified) was in the form of CDs or DVDs delivered to Mr. Coombs and the senior military defense counsel. Attached as enclosures to this document are seven classified and five unclassified DVDs containing digital copies of this material. See Enclosures 1-2 (BATES 00000001 - 00527845). During discovery productions, there was one gap in BATES numbers which is annotated in enclosure 3.

APPELLATE EXHIBIT 543
PAGE REFERENCED: _____
PAGE ____ OF ____ PAGES

The United States also produced a hard drive and forensic cube, containing 957 gigabytes of discoverable information, to include forensic images of several pieces of evidence.¹ See Enclosure 1 to AE 5. This forensic information was provided to the defense to allow the defense computer forensic experts to examine freely all the digital media involved in this court-martial, except the digital media associated with the raid of Usama bin Ladin's (UBL) compound, as described in subparagraph (h) below.

The United States made available to the defense for inspection the remaining discovery at their respective locations, as set forth below.

a. Office of the National Counterintelligence Executive (ONCIX) information. The United States made ONCIX information, to include that which was the subject of limited disclosure IAW MRE 505(g)(2), available to the defense for inspection at the Office of the Director of National Intelligence (ODNI), see BATES 00527049-00527110;

b. Department of State (DOS) information. The United States made DOS information, to include the Net Centric Diplomacy database that the accused is charged with compromising, available to the defense for inspection at DOS, see BATES 00526367-00527048;

c. National Security Agency (NSA) information. The United States made NSA information available to the defense for inspection at NSA, see BATES 00527111-00527121;

d. Central Intelligence Agency (CIA) information. The United States made CIA information, to include that which was the subject of limited disclosure IAW MRE 505(g)(2), available to the defense for inspection at the prosecution's office, see BATES 00508935-00508940;

e. Damage or Impact Statements. The United States made multiple damage or impact statements available to the defense for inspection at the prosecution's office, see BATES 00504482-00504652;

f. Impeachment Material. In addition to that which has been produced to the defense, the United States made available to the defense for inspection at the prosecution's office a binder containing material discoverable under RCM 701, Article 46, UCMJ, and *Giglio v. United States*, 405 U.S. 150 (1972), see BATES 00527122-00527226 and 00527645;

g. RCM 914 Material. In addition to that which has been produced to the defense, the United States made available to the defense for inspection at the prosecution's office a binder containing material discoverable under RCM 914, see BATES 00527619-00527644; and

h. Digital Media. The United States made the forensic metadata for four digital files, and the content of two of those files, available to the defense for inspection on a stand-alone government computer. See AE 381.

¹ The forensic cube is an electronic hard drive system that holds up to 8 terabytes of information. The specific cube is produced by the LaCie Store and can be found at <http://www.lacie.com/products/product.htm?id=10601> (last accessed on 7 May 2013).

The United States understands its continuing discovery obligation and acknowledges its requirements under Article 46, UCMJ, the Rules for Courts-Martial, and relevant case law. Should any additional material be produced after the date of this filing, the United States intends to submit a supplemental filing to account for any such disclosure.

Expert Witnesses

The United States may qualify the following government witnesses as experts in the respective fields:

a. CDR Youssef Aboul-Enein. The United States may qualify this witness as an expert in Arabic language translation and Islamic extremist ideology, organizations, individuals, and methodology;

b. BG Robert Carr (Ret). The United States may qualify this witness as an expert in DoD intelligence priorities, coalition operations, and DoD intelligence-sharing with foreign partners;

c. Witness #23 on AE 475. The United States may qualify this witness as an expert in the organization and its operations for the information in Specification 3, Charge II;

d. PDAS Elizabeth Dibble. The United States may qualify this witness as an expert in diplomatic priorities and operations in Near Eastern Affairs and Italy;

e. PDAS John Feeley. The United States may qualify this witness as an expert in diplomatic priorities and operations in Latin America;

f. Ms. Shelia Glenn. The United States may qualify this witness as an expert in cyber counterintelligence;

g. RADM Robert Harward. The United States may qualify this witness as an expert in the classification of CENTCOM information;

h. Mr. Patrick Hoeffel. The United States may qualify this witness as an expert in the operation and administration of the CIDNE database;

i. Ms. Mary Horvath. The United States may qualify this witness as an expert in computer forensics;

j. Dr. Glen Johnson. The United States may qualify this witness as an expert in Department of State systems and databases, including Net-Centric Diplomacy;

k. Mr. Mark Johnson. The United States may qualify this witness as an expert in computer forensic examinations;

l. AMB Patrick Kennedy. The United States may qualify this witness as an expert in the management and operations of the Department of State and the use of diplomatic reporting by US policymakers;

m. AMB Michael Kozak. The United States may qualify this witness as an expert in US government efforts to foster democracy abroad and human rights concerns;

n. Witness #63 on AE 475. The United States may qualify this witness as an expert in the subject matter of the information in Specification 3, Charge II;

o. CW5 Jon Larue. The United States may qualify this witness as an expert in Apache helicopter operations and policy;

p. Mr. Danny Lewis. The United States may qualify this witness as an expert in counterintelligence and the value of national security information;

q. Mr. Randall MacRobbie. The United States may qualify this witness as an expert in Middle East terrorism;

r. Mr. James McCarl. The United States may qualify this witness as an expert in Improvised Explosive Devices (IEDs) and adversary use of IEDs in Afghanistan and Iraq;

s. DAS James Moore. The United States may qualify this witness as an expert in diplomatic priorities and operations in South and Central Asian Affairs;

t. Mr. Nicholas Murphy. The United States may qualify this witness as an expert in classification of Department of State information;

u. MG Michael Nagata. The United States may qualify this witness as an expert in U.S. defense cooperation with and military operations in Pakistan;

v. AMB David Pearce. The United States may qualify this witness as an expert in diplomatic priorities and operations in Afghanistan and Pakistan Affairs;

w. PDAS H. Dean Pittman. The United States may qualify this witness as an expert in diplomatic priorities and operations in international organizations;

x. Witness #107 on AE 475. The United States may qualify this witness as an expert in the classification of the information in Specifications 3 and 15, Charge II;

y. CW4 Armond Rouillard. The United States may qualify this witness as an expert in the USF-I GAL and its value;

z. AMB Stephen Seche. The United States may qualify this witness as an expert in diplomatic priorities and operations in Near and Eastern Asia Affairs;

aa. SA David Shaver. The United States may qualify this witness as an expert in computer forensics;

bb. Ms. Susan Swart. The United States may qualify this witness as an expert in Department of State information systems and information sharing;

cc. SA Alfred Williamson. The United States may qualify this witness as an expert in computer forensics;

dd. Mr. Charlie Wisecarver. The United States may qualify this witness as an expert in Department of State systems and databases, including Net-Centric Diplomacy;

ee. RADL David Woods. The United States may qualify this witness as an expert in the classification of SOUTHCOM information;

ff. AMB Don Yamamoto. The United States may qualify this witness as an expert in diplomatic priorities and operations in Africa;

gg. AMB Marie Yovanovitch. The United States may qualify this witness as an expert in diplomatic priorities and operations in Europe and Eurasian Affairs; and

hh. PDAS Joseph Yun. The United States may qualify this witness as an expert in diplomatic priorities and operations in East Asian and Pacific Affairs.

Based on the scope of their expected testimony, the United States has disclosed, or made available to the defense for inspection, those specific facts or data that could reasonably be identified as underlying the opinions of the above witnesses IAW MRE 705. Should the United States learn of additional specific facts or data underlying their opinions during the course of trial preparation, the United States will disclose that material and account for any such disclosure.

The above list does not account for any witnesses the United States may qualify as experts in rebuttal.

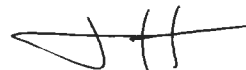


J. HUNTER WHYTE
CPT, JA
Assistant Trial Counsel

3 Enclosures

1. 7 Compact Discs Containing Classified Discovery
2. 5 Compact Discs Containing Unclassified Discovery
3. Memorandum for Record, dated 9 Aug 12

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 15 May 2013.



J. HUNTER WHYTE
CPT, JA
Assistant Trial Counsel