

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

**GOVERNMENT’S TARGETED
BRIEF ON “REASON TO BELIEVE”
ELEMENT IN 18 U.S.C. § 793(e)**

Enclosure 2

29 March 2013

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) Diaz, Matthew M.		2. SSN [REDACTED]	3. RANK/RATE LCDR	4. PAY GRADE O-4
5. UNIT OR ORGANIZATION Region Legal Service Office Southeast, Jacksonville, FL		6. CURRENT SERVICE a. INITIAL DATE [REDACTED] b. TERM INDEFINITE		
7. PAY PER MONTH a. BASIC [REDACTED] b. SEA/FOREIGN DUTY [REDACTED] c. TOTAL [REDACTED]		8. NATURE OF RESTRAINT OF ACCUSED None		9. DATE(S) IMPOSED None

II. CHARGES AND SPECIFICATIONS

10. CHARGE: I Violation of the UCMJ, Article 92

Specification 1: In that Lieutenant Commander Matthew M. Diaz, JAGC, U.S. Navy, Region Legal Service Office Southeast, Jacksonville, Florida, on active duty, did, at or near Guantanamo Bay, Cuba, between on or about 20 December 2004 and 28 February 2005, violate a lawful general regulation, to wit: SECNAVINST 5510.36, Department of the Navy (DON) Information Security Program (ISP) Regulation, dated 17 March 1999, as modified by change 1, dated 19 June 2000, by wrongfully failing to properly safeguard and store classified SECRET information in his possession, by wrongfully possessing and storing said classified information at locations not authorized for such storage.

Specification 2: In that Lieutenant Commander Matthew M. Diaz, JAGC, U.S. Navy, Region Legal Service Office Southeast, Jacksonville, Florida, on active duty, did, at or near Guantanamo Bay, Cuba, between on or about 20 December 2004 and 28 February 2005, violate a lawful general regulation, to wit: SECNAVINST 5510.36, Department of the Navy (DON) Information Security Program (ISP) Regulation, dated 17 March 1999, as modified by change 1, dated 19 June 2000, by wrongfully failing to properly transport or mail classified SECRET information, by wrongfully mailing said classified information via first class mail.

Specification 3: In that Lieutenant Commander Matthew M. Diaz, JAGC, U.S. Navy, Region Legal Service Office Southeast, Jacksonville, Florida, on active duty, who knew of his duties at or near Guantanamo Bay, Cuba, between on or about 20 December 2004 and 28 February 2005, was derelict in the performance of those duties in that he willfully failed to safeguard classified information, as it was his duty to do.

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE LT, JAGC, USN	c. ORGANIZATION OF ACCUSER COMMANDING OFFICER, REGION LEGAL SERVICE OFFICE, MID-ATLANTIC
d. SIGNATURE OF ACCUSER [REDACTED]	e. DATE 28 JUL 06	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 28 day of JULY, 2006, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

COMMANDING OFFICER, REGION LEGAL SERVICE
OFFICE, MID-ATLANTIC
Organization of Officer

Typed Name of Officer

LT, JAGC, USN
Grade and Service

CIVIL LAW ATTORNEY
Official Capacity to Administer Oaths
(See R.C.M. 307(b)—must be commissioned officer)

CONTINUATION OF CHARGES ICO LCDR MATTHEW M. DIAZ, JAGC, USN

Charge II: Violation of the UCMJ, Article 133

Specification: In that Lieutenant Commander Matthew M. Diaz, JAGC, U.S. Navy, Region Legal Service Office Southeast, Jacksonville, Florida, on active duty, did, at or near Guantanamo Bay, Cuba, between on or about 20 December 2004 and 28 February 2005, wrongfully and dishonorably transmit classified documents to an unauthorized individual.

Charge III: Violation of the UCMJ, Article 134

Specification 1: In that Lieutenant Commander Matthew M. Diaz, JAGC, U.S. Navy, Region Legal Service Office Southeast, Jacksonville, Florida, on active duty, did, at or near Guantanamo Bay, Cuba, between on or about 20 December 2004 and 28 February 2005, for the purpose of obtaining information respecting the national defense of the United States of America, with intent or reason to believe that the said information was to be used to the injury of the United States or to the advantage of a foreign nation, violate Title 18, United States Code, Section 793(b), by knowingly and willfully making a print out of classified SECRET information connected with the national defense.

Specification 2: In that Lieutenant Commander Matthew M. Diaz, JAGC, U.S. Navy, Region Legal Service Office Southeast, Jacksonville, Florida, on active duty, did, at or near Guantanamo Bay, Cuba, between on or about 20 December 2004 and 28 February 2005, having authorized possession of, access to, and control over information relating to the national defense of the United States of America, which information the said Lieutenant Commander Matthew M. Diaz had reason to believe could be used to the injury of the United States or to the advantage of a foreign nation, violate Title 18, United States Code, Section 793(d), by knowingly and willfully communicating classified SECRET information relative to national defense to a person not entitled to receive said information.

Specification 3: In that Lieutenant Commander Matthew M. Diaz, JAGC, U.S. Navy, Region Legal Service Office Southeast, Jacksonville, Florida, on active duty, did, at or near Guantanamo Bay, Cuba, between on or about 20 December 2004 and 28 February 2005, having unauthorized possession of, access to, and control over information relating to the national defense of the United States of America, which information the said Lieutenant Commander Matthew M. Diaz had reason to believe could be used to the injury of the United States or to the advantage of a foreign nation, violate Title 18, United States Code, Section 793(e), by knowingly and willfully communicating classified SECRET information relative to national defense to a person not entitled to receive said information.

Specification 4: In that Lieutenant Commander Matthew M. Diaz, JAGC, U.S. Navy, Region Legal Service Office Southeast, Jacksonville, Florida, on active duty, did, at or near Guantanamo Bay, Cuba, between on or about 20 December 2004 and 28 February 2005, violate Title 18, United States Code, Section 1924, by becoming possessed, by virtue of his office, of materials containing classified information of the United States and knowingly removing such materials without authority and with the intent to retain such materials at an unauthorized location.