

**Overgaard, Angel M CPT USARMY (US)**

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**From:** Lind, Denise R COL USARMY (US)  
**Sent:** Friday, April 19, 2013 11:48 AM  
**To:** Fein, Ashden MAJ USARMY MDW (US)  
**Cc:** David E. Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Prather, Jay R CIV USARMY HQDA (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US); Boardman, Gerald W CIV (US)  
**Subject:** RE: Defense Filing (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

That's fine.

D

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

-----Original Message-----

**From:** Fein, Ashden MAJ USARMY MDW (US)  
**Sent:** Friday, April 19, 2013 8:37 AM  
**To:** Lind, Denise R COL USARMY (US)  
**Cc:** David E. Coombs; Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Prather, Jay R CIV USARMY HQDA (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US); Boardman, Gerald W CIV (US)  
**Subject:** RE: Defense Filing

Ma'am,

With your concurrence, the United States would like to request the court reporters append the relevant portions of Mr. Coombs' email to the interrogatories filing. Thank you.

v/r  
MAJ Fein

-----Original Message-----

**From:** David E. Coombs [mailto:coombs@armycourt martialdefense.com]  
**Sent:** Wednesday, April 17, 2013 6:18 PM  
**To:** Fein, Ashden MAJ USARMY MDW (US); Lind, Denise R COL USARMY (US)  
**Cc:** Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB;

Prather, Jay R CIV USARMY HQDA (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US); Boardman, Gerald W CIV (US)  
Subject: RE: Defense Filing

Ashden,

I suggest simply appending this email traffic as an attachment to the Defense interrogatories for John Doe. Given that this is a non-issue, it should prevent any confusion in the future.

Best,  
David

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:(b) (6)]  
Sent: Wednesday, April 17, 2013 5:12 PM  
To: David E. Coombs; Lind, Denise R COL USARMY (US)  
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Prather, Jay R CIV USARMY HQDA (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US); Boardman, Gerald W CIV (US)  
Subject: RE: Defense Filing

Ma'am and Mr. Coombs,

The appropriate military command reviewed this email chain, the defense's interrogatories, and Enclosure 13 [John Doe's medical records summary] to the Government MRE 505(i)(2) motion, dated 31 January 2013. Based on their review there is no spillage.

The medical information was provided to the prosecution and subsequently to the Court and defense on a classified document, marked on the top and bottom as such. Therefore any reference to the information would be classified; however after further review of the underlying document it was determined that Enclosure 13 is not classified and should be appropriately marked UNCLASSIFIED//FOUO with a disclaimer that it contains medical records. The United States will correct this issue and provide the Court and defense an updated document.

The United States still maintains its original request for defense to re-file the interrogatories with a simple one-line disclaimer as outlined in Mr. Coombs' email below that the questions were drafted "based upon the acknowledgement that John Doe has memory issues, and the open source reporting about the UBL raid." This request is to avoid any issues or confusion within the record of trial in the future.

Thank you.

v/r  
MAJ Fein

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourtmartialdefense.com]  
Sent: Monday, April 15, 2013 5:45 PM  
To: Fein, Ashden MAJ USARMY MDW (US); Lind, Denise R COL USARMY (US)  
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US);

Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB;  
Prather, Jay R CIV USARMY HQDA (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY  
ATEC (US); Boardman, Gerald W CIV (US)  
Subject: RE: Defense Filing

Ashden,

All of these questions were drafted by me, at my office, without the benefit of your classified filings. I also did not draft any of these questions based upon any notes from your classified filing. Instead, I drafted the questions based upon the acknowledgement that John Doe has memory issues, and the open source reporting about the UBL raid.

I do not intend to re-file my questions unless directed to do so by the Court.

Best,  
David

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-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:(b) (6)]  
Sent: Monday, April 15, 2013 4:48 PM  
To: David E. Coombs; Lind, Denise R COL USARMY (US)  
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB; Prather, Jay R CIV USARMY HQDA (US); Hall, Cassius N CIV (US); Ganiel, Charles J CIV USARMY ATEC (US); Boardman, Gerald W CIV (US)  
Subject: RE: Defense Filing

Mr. Coombs,

Because this was an unclassified filing, the United States assumes that all the questions asked in this filing are from open source reporting and not United States Government provided documentation. For only some of the questions the defense writes "according to open source reporting;" however not all the questions have this disclaimer.

The United States requests you re-file these questions with a disclaimer at the beginning of the document, which states all this information is based on open source reporting and not discovery provided by the United States, assuming this is true. If not, then please contact me by telephone to discuss.

Thank you!

v/r  
MAJ Fein

-----Original Message-----

From: David E. Coombs [mailto:coombs@armycourt martialdefense.com]  
Sent: Sunday, April 14, 2013 11:31 AM  
To: Lind, Denise R COL USARMY (US)  
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Mitroka, Katherine F CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Fein, Ashden MAJ USARMY MDW (US); USARMY Ft McNair mdw Mailbox MDW Court Reporters OMB  
Subject: Defense Filing

Ma'am,

The Defense does not have any objection to the draft scheduling order. The Defense has also attached its interrogatories for the John Doe witness.

v/r  
David

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Caveats: NONE