

IN THE UNITED STATES ARMY
FIRST JUDICIAL CIRCUIT

UNITED STATES)

v.)

MANNING, Bradley E., PFC)

U.S. Army, xxx-xx-9504)

Headquarters and Headquarters Company, U.S.)

Army Garrison, Joint Base Myer-Henderson Hall,)

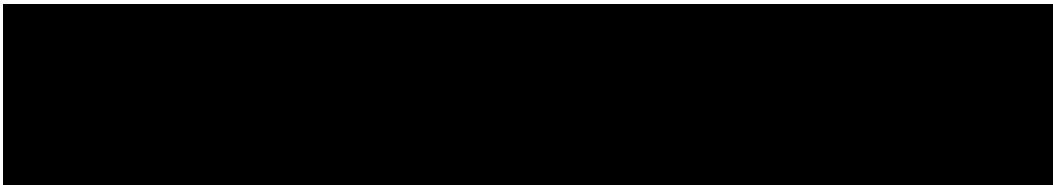
Fort Myer, VA 22211)

**DEFENSE REQUEST FOR
CONTINUANCE**

DATED: 27 July 2012

FACTS

1. PFC Manning was held at Marine Corps Base Quantico from 29 July 2010 to 20 April 2011. During this time, PFC Manning was held in MAX custody and under Prevention of Injury watch.
2. In the fall of 2010, the Defense raised the issue of unlawful pretrial punishment with the Government. On 8 December 2010, the Defense made a discovery request for all documentation from Quantico pertaining to PFC Manning.
3. The Government provided extensive documentation related to PFC Manning's confinement at Quantico in October of 2011. The Defense believed that this was the full extent of the information the Government had from Quantico.
4. The Article 13 motion has been on the case calendar since this case was referred. The deadline for the Defense to file the Article 13 motion was today, 27 August 2012. The Defense had already advised the Government that this was a very lengthy and involved motion, totaling over 100 pages. In fact, the case calendar had accommodated the Government's request for an additional week to respond to the motion.
5. On 26 August, the Defense informed the Court and the Government that it would be sending the attachments for the Article 13 motion by Fed-Ex. The attachments exceed 500 pages. The Government did not indicate to the Defense not to mail the attachments.
6. On the evening of 26 August (after the Defense's attachments had already been sent), MAJ Fein sent Mr. Coombs the following email at 19:50:



[REDACTED]

See Attachment A. An hour and a half later, at 21:15, MAJ Fein sent the Defense the referenced emails. There were a total of 84 (not 60) emails. *See Attachment B.*

7. MAJ Fein indicated that the Government received these emails from Quantico approximately 6 months ago. However, the Government did not begin reviewing the emails until two days ago, 25 July 2012.

RELIEF SOUGHT

8. In light of the Government's late disclosures and its failure to provide timely discovery, the Defense requests a continuance of the proceedings in order to review and incorporate information from the 84 emails into its Article 13 submissions; to interview (and re-interview) witnesses based on information contained therein; and to file a new witness list and motion to compel witnesses, if necessary.

9. The Defense requests the following changes to the case calendar:

- a) Initial Article 13 Motion – No change;
- b) Defense Second Request for Article 13 Witnesses: 15 August 2012;
- c) Government Objection to Defense Request for Article 13 Witnesses (if any): 22 August 2012;
- d) Defense Supplemental Article 13 Motion: 24 August 2012;
- e) Defense Motion to Compel Article 13 Witnesses (if any): 24 August 2012;
- f) Article 39(a) Session for Article 13 Witnesses and other issues: 28 – 30 August 2012;
- g) Government Response to Defense Article 13 and Supplemental Article 13 Motion: 7 September 2012;
- h) Defense Reply to Government Response to Article 13 Motion: 14 September 2012;
- i) Article 39(a) to litigate the Article 13 Motion: 1 – 5 October 2012.

10. Additionally, the Defense requests that the Article 39(a) sessions and filing deadlines currently scheduled be continued for two weeks. Specifically, the Defense requests that all Speedy Trial filing deadlines be continued for two weeks.

Respectfully submitted,

DAVID EDWARD COOMBS
Civilian Defense Counsel