

**IN A GENERAL COURT-MARTIAL OF THE UNITED STATES
U.S. ARMY TRIAL JUDICIARY, SECOND JUDICIAL CIRCUIT**

UNITED STATES OF AMERICA)

v.)

BERGDAHL, ROBERT B.)
SGT, U.S. Army)
Headquarters and Headquarters)
Company, Special Troops)
Battalion, U.S. Army Forces)
Command, Fort Bragg,)
North Carolina 28310)

SEALING ORDER
Appellate Exhibit 23

6 October 2016

1. I have conducted an in camera review of documents 75-80, which were subject to a government claim of privilege by Intelligence Organization 2, which have been marked as Appellate Exhibit 23. I have determined that documents 75 and 76 are not relevant to a legally cognizable defense and documents 77-80 are cumulative.
2. ORDER. This exhibit contains classified unreleased documents reviewed in camera and is hereby ordered SEALED. The items that are the subject of this order will not be further reproduced and will be placed only in the original record of trial in accordance with Rule for Courts-Martial (R.C.M.) 1103A. Prior to authentication of the record of trial by the military judge, sealed materials may not be examined in the absence of an order from the military judge based on good cause shown. After authentication and prior to disposition of the record of trial pursuant to Rule for Courts-Martial 1111, sealed materials may not be examined in the absence of an order from the military judge upon a showing of good cause at a post-trial Article 39(a) session directed by the Convening Authority. *See* R.C.M. 1103A(b)(1-3). Nothing in this order prohibits reviewing and appellate authorities from examining the sealed matters IAW R.C.M. 1103A(b)(4).
3. The original of this order will be placed on the envelope containing the exhibit. A copy of this order will be placed in the copies of the record of trial where the exhibit would ordinarily appear.

So ordered this 6th day of October 2016.


JEFFERY R. NANCE
COL, JA
Military Judge

APPELLATE EXHIBIT

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