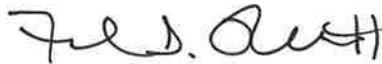

UNITED STATES)	Defense Response to Government
)	03 Feb 2016 Reply about
v.)	RCM 801(a)(6)
)	
SGT Robert B. Bergdahl)	
HHC, STB, US Army FORSCOM)	
Fort Bragg, NC 28310)	08 February 2016

Shannon Allen should be afforded all courtesies and permitted to attend open sessions of SGT Bergdahl's court-martial. It would be misleading and unfair to the Allen family to designate MSG(R) Allen as a crime victim in the present case since the government has not demonstrated by a preponderance of the evidence that his wounds are the direct result of SGT Bergdahl's charged offenses. Before any Article 39(a) on this matter, defense requests:


1. Contact information for the three listed government witnesses.
2. To speak with three potential defense witnesses: AR 15-6 investigating officer MAJ Jose Aymat and Embedded Training Team members SGT Jason Walters and SSG Travis Elmore. None of these three are found in online military directories. We urge the Court to set an Article 39(a) on our motion to compel the employment of defense investigator Mr. Garland Slate so that he can find these and other relevant witnesses for the defense.
3. To conduct defense investigation into the unit's mission, combat operations, where SGT Bergdahl was taken after he was kidnapped, and the use of searches for SGT Bergdahl as justifications by U.S. forces to garner additional resources and get around overly restrictive Rules of Engagement. Trial Counsel's expansive argument rests on several assumptions in all of these areas. However, Trial Counsel's 08 February 2016 decision to press for a wholesale stay of defense's access to and discovery of classified information severely impedes our ability to gather facts that would answer these questions.

EUGENE R. FIDELL
Civilian Defense Counsel

NINA S. BANKS
CPT, JA
Defense Counsel


FRANKLIN D. ROSENBLATT
LTC, JA
Defense Counsel

I certify that I served a true copy of the above on the Trial Counsel on 8 February 2016.


FRANKLIN D. ROSENBLATT
LTC, JA
Defense Counsel