

**IN A GENERAL COURT-MARTIAL
IN THE SECOND JUDICIAL CIRCUIT, U.S. ARMY TRIAL JUDICIARY
FORT BRAGG, NORTH CAROLINA**

UNITED STATES)	
)	
v.)	STIPULATION OF EXPECTED
)	TESTIMONY
BERGDAHL, ROBERT BOWDRIE)	
(BOWE))	
SGT, U.S. Army)	22 June 2017
HHC, Special Troops Battalion)	
U.S. Army Forces Command)	
Fort Bragg, North Carolina 28310)	

It is hereby agreed by and between trial counsel and defense counsel, with the express consent of SGT Bergdahl, that the aforementioned facts are what the Team Commander¹ would testify to if he were present, susceptible of proof and admissible only for the purposes of determining the pending motion to admit evidence of injuries on sentencing.


1. On 8 July 2009 I was deployed as a part of a Special Forces Task Force in Afghanistan. I was the Commander for the Team Jalalabad ("TM JBAD") unit.
2. After the report of a DUSTWUN occurred, our Team shifted our Intelligence, Surveillance and Reconnaissance ("ISR") assets from our Area of Operations ("AO") to the area where the search effort was focused. That area was normally the responsibility of a team based out of Sharana.
3. Based on intelligence received on 8 July 2009 we concluded that SGT Bergdahl was potentially being held at a location in the search area. This was partially based on an analysis of a proof of life video that contained similar tents to ones observed by our ISR.
4. We had previously planned a mission for 8 July 2009, but it was cancelled as a result of unfavorable environmental conditions. We went forward with the mission on 9 July 2009 because of the importance of attempting to rescue a missing American. During this mission, SCPO (Ret) James Hatch was shot in the leg, and Remco, a combat dog, was killed.
5. The mission was only conducted on that date and under those circumstances because it was an attempt to recover SGT Bergdahl.

¹ The actual name of the Team Commander is listed in Appellate Exhibit 47

6. DUSTWUN missions were the only missions that our team conducted outside of our AO.



LOUIS M. SCAPICCHIO
MAJ, JA
Defense Counsel



ROBERT (BOWE) B. BERGDAHL
SGT, US Army
Accused



JUSTIN C. OSHANA
MAJ, JA
Trial Counsel