

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

UNITED STATES)	
)	
v.)	NOTICE OF APPEAL
)	PURSUANT TO R.C.M. 908
BERGDAHL, ROBERT BOWDRIE)	
(BOWE))	
SGT, U.S. Army)	5 February 2016
HHC, Special Troops Battalion)	
U.S. Army Forces Command)	
Fort Bragg, North Carolina 28310)	

1. The Government provides notice to the Military Judge and Defense pursuant to Rule for Courts Martial (R.C.M.) 908 that the Government will appeal, in accordance with Article 62, Uniform Code of Military Justice, the Military Judge's ruling, issued at approximately 1429 hours on 2 February 2016, in United States v. Bergdahl.


2. Colonel Vanessa A. Berry, in her capacity as the Staff Judge Advocate, United States Army Forces Command, Fort Bragg, North Carolina, has authorized this notice of appeal in accordance with Army Regulation 27-10, paragraph 12-3.

3. The subject of the government appeal will be the Military Judge's order to immediately provide defense access to classified information without the original classification authorities' approval.

4. The Military Judge's ruling and order directs the disclosure of classified information, and constitutes a refusal by the military judge to issue the protective order sought by the United States to prevent the disclosure of classified information, and is therefore immediately appealable under Article 62(a)(1)(C) and Article 62(a)(1)(E), UCMJ.

5. The Government understands, in accordance with R.C.M. 908(b)(4), that upon receipt of this notice the Military Judge shall not conduct any further session on the issues involved in this appeal, pending disposition of this appeal by the Army Court of Criminal Appeals.

6. I certify that this appeal is not being filed for the purpose of delay.


MARGARET V. KURZ
MAJ, JA
Trial Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing Notice of Appeal in the case of United States v. Bergdahl was delivered electronically to this Court on the 5th day of February 2016 at 1320 and the Defense on the 5th day of February 2016 at 1320. This notice was provided within 72 hours of the Military Judge's ruling being appealed as required by R.C.M. 908.



MARGARET V. KURZ
MAJ, JA
Trial Counsel