

United States of America

v.

**Bergdahl, Robert Bowdrie (Bowe)
Sergeant (E-5)
Headquarters and Headquarters Co.,
Special Troops Battalion
United States Forces Command
Fort Bragg, North Carolina 28310**

**GOVERNMENT REQUEST TO USE
CLOSED-CIRCUIT TELEVISION (CCTV)
FEED FOR COURT-MARTIAL
PROCEEDINGS**

17 December 2015

I. Relief Sought

The Government in the above-captioned case requests permission to use the live closed-circuit television (CCTV) feed and audio feed to allow spectator access to the court-martial in accordance with RCM 806(c).

II. Burden

The Government, as the moving party, bears the burden of proof for this motion by a preponderance of the evidence pursuant to R.C.M. 905.

III. Facts

The Fort Bragg Courthouse has approximately three rows of seating in the courtroom, one overflow room, and a second overflow room in a separate building across the street. The courthouse has the capability of broadcasting live closed-circuit television (CCTV) feed of court-martial proceedings to the adjoining room designated for spectator and media overflow, along with an audio feed into the overflow room in the nearby building.

This case has attracted media attention. Approximately 85 representatives of the media attended the Article 32 Preliminary Hearing at Joint Base San Antonio, Texas, in September 2015, and 160 media organizations are currently registered with Fort Bragg Public Affairs to be notified of any media releases related to the case.

IV. Witnesses/Evidence

Email dated 16 December 2015 from Mr. Paul Boyce, Deputy Public Affairs officer, FORSCOM, Fort Bragg.

V. Law

Rule for Courts-Martial, 806(c).

VI. Argument

R.C.M. 806(c) allows the military judge, "as a matter of discretion, to permit contemporaneous closed-circuit video or audio transmission to permit viewing or hearing ... by spectators when courtroom facilities are inadequate to accommodate a reasonable number of spectators." Based on just the anticipated number of members of the media who may wish to attend the proceeding, along with possible spectator interest, the Government anticipates that the seating in the courtroom, and potentially in the first overflow room, will be inadequate to accommodate the media and spectators. Hence, the Government requests the Court allow the use of closed circuit video feed in the first overflow room and audio feed into the second overflow room during the arraignment on 22 December 2015.

VII. Conclusion

The Government respectfully requests the Court grant permission to use a live CCTV feed and audio feed, to allow spectator access to the court-martial in accordance with RCM 806(c).

KURZ.MARGARET.
VERA. 1258995763

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Date: 2015.12.17 13:25:37 -0500

MARGARET V. KURZ
MAJ, JA
Trial Counsel

I certify that a copy of this notice was served on the Military Judge and Defense Counsel on 17 December 2015.

KURZ.MARGARET.
VERA. 1258995763

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Date: 2015.12.17 13:25:50 -0500

MARGARET V. KURZ
MAJ, JA
Trial Counsel

Kurz, Margaret V MAJ USARMY FORSCOM (US)

From: Boyce, John P CIV (US)
Sent: Wednesday, December 16, 2015 10:33 AM
To: Kurz, Margaret V MAJ USARMY FORSCOM (US)
Subject: PAO update - Media Interest - as of 16 Dec. 2015 (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Ma'am, to update you on the ongoing public-affairs interest in this pending legal matter, and as per your request:

- 1) More than 130 news media registered to attend the 17-18 Sept. 2015 Article 32 Preliminary Hearing at Joint Base San Antonio / Fort Sam Houston, Texas.
- 2) More than 85 news media attended the two-day hearing 17-18 Sept. 2015 (including reporters as well as associated audio/video technicians).
- 3) Currently, the list of actively interested news media requesting information about this pending case numbers more than 160.

Our thanks.

Very respectfully,
--paul

Paul Boyce
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