



U.S. Department of Justice

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August 4, 2011

The Honorable Leonie M. Brinkema
United States District Judge
401 Courthouse Square
Alexandria, Virginia 22314

Re: *United States v. Jeffrey Sterling*, No. 1:10cr485

Dear Judge Brinkema:

The parties have conferred and agreed upon a proposed pre-trial schedule. Attached is a draft order with the proposed dates for filings and hearings.

The parties believe that this is a very aggressive schedule and anticipate that we may have difficulty meeting some of these deadlines. For example, if the defense filing on August 31 consists of voluminous classified materials, the government (including the affected intelligence agencies) may have difficulty evaluating those materials and responding to it by September 12. Another problem recently surfaced that may affect next week's CIPA filing by the government. The CIA's Information Review Office assigned to this case (the person who makes classification determinations and reviews our filings for classification purposes) recently had an accident that will probably prevent her from working for at least a week, perhaps longer.

The parties have discussed such contingencies and have agreed to remain flexible with regard to the proposed filing deadlines without having to change any of the proposed hearing dates if at all possible. We will, of course, bring any scheduling issues to the immediate attention of the Court if and when they arise.

Letter to the Honorable Leonie M. Brinkema
United States v. Jeffrey Sterling, No. 1:10cr485
August 4, 2011
Page 2 of 2

In addition, there are some unresolved discovery matters which may affect some of these deadlines and which also may require additional hearings. Those matters are not included in the proposed schedule, and we will hearing notices for those matters separately.

Respectfully,

Neil H. MacBride
United States Attorney

By: /s/
James L. Trump
Assistant U.S. Attorney

cc: Defense Counsel

DRAFT IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
)
 v.) No. 1:10cr485 (LMB)
)
 JEFFREY ALEXANDER STERLING)

ORDER

The parties have submitted a proposed schedule for pre-trial matters, including filings and hearings related to CIPA. Having reviewed the proposed schedule, it is hereby

ORDERED that the proposed schedule is approved as follows:

- (1) Filing deadlines and hearing related to the government's evidence in its case-in-chief.

Aug. 9 Government Expert Notice(s); unclassified versions of previously classified materials to be used as exhibits or relied upon by government in its case-in-chief; any related CIPA submissions

Aug. 19 Defense motions regarding the government's 8/9 filings

Aug. 26 Government responses

Aug. 30 Hearing at 10:00 a.m.

- (2) Filing deadlines and hearing related to defense evidence to be used at trial.

Aug. 31 Defense Expert Notice(s); CIPA notice regarding classified information to be used as exhibits or relied upon by defense at trial

Sept. 12 Government motions regarding 8/31 defense filing

Sept. 16 Defense responses

Sept. 20 Hearing at 10:00 a.m.

(3) All remaining motions and pre-trial matters.

Sept. 26 All remaining motions, including CIPA filings, motions in limine; expert notices and CIPA filings regarding rebuttal evidence and cross-examination; unclassified Jencks and related CIPA filings; Rule 404(b) notice by government; any trial exhibits not previously filed

Oct. 3 Response to Sept. 26 filings

Oct. 11 Hearing at 10:00 a.m.

As previously ordered, trial shall commence on October 17, 2011, at 10:00 a.m. The Clerk is directed to forward copies of this Order to counsel of record.

Entered in Alexandria, Virginia, this ___ day of August, 2011.