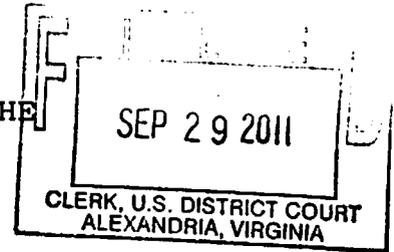


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA,)	
)	
)	
v.)	1:10cr485 (LMB)
)	
JEFFREY ALEXANDER STERLING,)	
)	
)	
Defendant.)	

ORDER

For the reasons stated on the record during a sealed hearing, Defendant Jeffrey A. Sterling's Motion for Issuance of a Rule 17(c) Subpoena to "Human Asset No. 1" [Dkt. No. 159] is DENIED, and his Motion in Limine Regarding Expert Witnesses Proffered by the United States [Dkt. No. 165] is DENIED to the extent that the defendant seeks to strike the Government's expert witnesses and the subject matter of their testimony, but GRANTED to the extent he argues that the Government's Notice of Intent To Use Expert Testimony [Dkt. 164-3] is inadequate. Accordingly, it is hereby

ORDERED that the Government submit to defense counsel and the Court a revised Notice that contains the relevant details, as discussed on the record.

The Government's Motion Pursuant to Section 6 of the Classified Information Procedures Act [Dkt. No. 196] is GRANTED, and its Motion in Limine to Admit Exhibits 129 Through 132 by the

Use of Conventional CIPA Summaries and Substitutions or, Alternatively, Through the Silent Witness Rule [Dkt. No. 181] is GRANTED to the extent that Exhibits 129 through 131 may be admitted through the use of the silent witness rule, but DENIED as to the redactions proposed by the Government, and it is hereby

ORDERED that the Government submit to the Court and defense counsel in advance the questions to be directed at any witness who will testify pursuant to the silent witness rule.

The Court will hold in abeyance the motion as it relates to Exhibit 132 until further briefing from the defense; therefore, it is hereby,

ORDERED that the defendant is to file promptly any arguments regarding the personnel report he provided to the Court and the Government during the hearing.

The defendant has submitted his fourth CIPA Section 5 notice and a supplement [Dkt. Nos. 171, 180], and the Government has filed its responses [Dkt. Nos. 201, 213]. As reflected in the transcript, the documents characterized by the Government as falling into Categories 2 through 8 do not contain relevant information and are, therefore, stricken. The Government has agreed to substitute a summary in lieu of the documents in Category 1, and it will work with defense counsel on stipulations for Exhibits 161, 162, 166, and 174, which are in Category 9; for Exhibits 157, 158, and 159; and for Exhibits 179-182, which are the performance reviews, all of which were discussed in the

defendant's Supplement to Section 5 Notice filed on September 8, 2011. Accordingly, it is hereby

ORDERED that the Government produce the summary and stipulations, as discussed on the record, to defense counsel promptly.

The Government's request, in its Response to Defendant's Proposed Testimony Pursuant to CIPA Section 5 [Dkt. No. 199], to strike the defendant's proposed statements as to specific details about prior assignments is GRANTED, and the defendant's testimony pertaining to his employment with the CIA will be confined to the subject matter discussed during the hearing.

The Government's request to use substitutions in place of three specific classified words will be held in abeyance pending further briefing as discussed during the hearing; accordingly, it is hereby

ORDERED that the Government promptly file its prepared substitutions and explanations for these substitutions relating to the three particular classified words defendant seeks to use during his defense.

Finally, it is

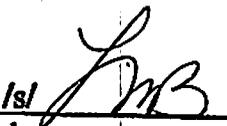
ORDERED that the Government promptly submit its motion respecting protective measures for certain witnesses, which must include proposed security protocol and any special voir dire procedure.

The Clerk is directed to forward copies of this Order to

counsel of record and the Classified Information Security
Officer.

Entered this 29th day of September, 2011.

Alexandria, Virginia



Leonie M. Brinkema
United States District Judge