

UNCLASSIFIED//FOR PUBLIC RELEASE
MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA

v.

ABD AL HADI AL-IRAQI

AE 057B

Proposed Defense Milestones and Timeline

30 June 2016

1. In AE 015R, the Commission ordered the parties “to conference and agree upon future litigation milestones, including milestones for the personal jurisdiction hearing directed in AE 020B.” The Commission further ordered the parties to “submit a joint pleading listing the agreed upon subjects of future milestones **NLT 24 June 2016.**” If the parties are not able to agree on various milestones, the parties were ordered to “submit separate pleadings with their proposed timelines **NLT 1 July 2016.**”
2. The Defense and the Government conferenced, but were not able to come to an agreement on milestones or a proposed timeline.
3. The Defense submits the list of proposed subjects of future milestones with proposed timelines pursuant to the Commission’s order in AE 015R. The Defense does not waive or forfeit any claim to violation of the Accused rights to a speedy trial under the Sixth Amendment of the Constitution of the United States or attribution of delay, as the Defense’s position is that the constitutional speedy trial clock has been running, and will continue to run to exhaustion, up until the date that the Government produces all the discovery to the Defense. In addition, the proposed timeline is an estimate only. The Defense has no way of knowing what discovery will be produced voluntarily by the Government (much less when), how much discovery will be

ordered to be produced by the military judge, or what evidentiary holes will need to be properly investigated based on the eventual discovery disclosures by the Government.

4. In accordance with the Commission's order in AE 015R, the Defense proposes the following "subjects for future milestones"¹ with proposed timelines:

- (ASAP) Government Completion of Processing of Defense Security Clearance Applications.
- (D² + 0) Government Discovery Due.
- (D + 18 months) Evidentiary/Compel Motions Based On Discovery Due.³
- (D + 24 months) Notice of Expert Witness Due
- (D + 30 months) Expert Witness Discovery Due
- (D + 36 months) Law Motions (if any) Due.⁴
- (D + 42 months) Deposition Notices Due.
- (D + 48 months) Deposition of Fact Witnesses Completed.
- (D + 54 months) Deposition of Expert Witnesses Completed.
- (D + 57 months) Pre-Trial Conference.
- (D + 60 months) Motions in Limine Due.
- (D + 66 months) Trial Date.

¹ See AE 015R.

² "D" is the equivalent of the date discovery is delivered to the Defense by the Government in the instant matter.

³ The Government has an ongoing and continuous obligation to turn over discoverable material to the Defense, despite any passage of commission ordered delivery of discovery.

⁴ Motions to Compel and other motions for appropriate relief may be brought at any time deemed appropriate by the party filing the motion.

5. There was no agreement as to proposed timelines for the milestones.

Respectfully submitted,

//s//

Brent Rushforth
James Szymanski
Robert Palmer
Pro Bono Counsel

MAJ Wendall H. Hall, USA
MAJ Robert T. Kincaid, III, USA
LCDR Keith B. Lofland, JAGC, USN
Detailed Defense Counsel

ATTACHMENT A

Filed with TJ
30 June 2016

Appellate Exhibit 057B (al Hadi)
Page 4 of 5

CERTIFICATE OF SERVICE

I certify that on the 30th day of June, 2016, I filed **AE 057B, Proposed Defense Milestones and Timeline**, with the Office of Military Commissions Trial Judiciary and I served a copy on counsel of record.

//s//

WENDALL H. HALL
MAJ, JA, USA
Detailed Defense Counsel