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1 **[The R.M.C. 803 session was called to order at 1333, 24 June 2025.]**

2 MJ [Lt Col BRAUN]: This hearing is called to order.

3 I note the accused is present.

4 Trial Counsel, please account for the attorneys representing
5 the government.

6 TC [Lt Col GOEWERT]: Good afternoon, Your Honor. With us
7 presently are myself, Lieutenant Colonel Christopher Goewert, and
8 Major Milton.

9 We would request that Lieutenant Colonel Matt Miller and
10 Major Christopher Pirog be excused for the duration of this hearing.
11 They were at the RHR yesterday, but they no longer have a role in
12 this hearing this week. And we requested that via informal channels
13 of the commission, but we are now formally requesting their excusal
14 for the remainder of this hearing.

15 MJ [Lt Col BRAUN]: Thank you, Trial Counsel. That request is
16 appropriate and granted.

17 Trial Counsel, can you affirm these proceedings -- can you
18 confirm these proceedings have been transmitted by -- are being
19 transmitted by closed-circuit TV to the United States in compliance
20 with the commission's order in AE 0007.006?

21 ATC [Maj MILTON]: Yes, Your Honor.

22 MJ [Lt Col BRAUN]: Additionally, is the teletype capability
23 the commission authorized in AE 0012.020 being utilized today?

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1 ATC [Maj MILTON]: No, Your Honor.

2 MJ [Lt Col BRAUN]: Mr. Fanniff, are all attorneys of the
3 defense team that were present yesterday present again today?

4 LDC [MR. FANNIFF]: They are, Your Honor.

5 MJ [Lt Col BRAUN]: And it appears Lieutenant Fernandez is
6 participating via the Remote Hearing Room still?

7 LDC [MR. FANNIFF]: That is correct, Your Honor.

8 MJ [Lt Col BRAUN]: Thank you.

9 So yesterday afternoon I held an R.M.C. 802 conference.
10 Present were members of the prosecution and defense, with the
11 exception of Mr. Hodes, Major Parsons, Lieutenant Hirschler, and
12 Lieutenant Fernandez. The accused was also absent.

13 The following matters were discussed in that conference:
14 First, trial counsel provided an update on the status of Mr. Hodes'
15 travel, namely that the convening authority was attempting to
16 identify funding for the travel given counsel's election to resign.
17 Trial counsel expected to have another update for the commission
18 around 1600 that same day.

19 Second, trial counsel confirmed that it was finalizing an
20 M.C.R.E. 505(h) request. The commission inquired into the extent
21 that the parties anticipated discussing classified material during
22 the commission's consideration of the defense motion at AE 0106.001.

23 The defense indicated generally that they believed they

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1 could split the matters up and, for lack of a better term, bifurcate
2 their argument to allow some of that argument to be made in a full
3 open session and potentially some of it in a classified session.

4 The defense also at that time indicated that they believed
5 Mr. Nurjaman should be present for the entirety of the argument
6 notwithstanding the expected discussion of classified information.

7 Trial counsel did object or voice an objection to that
8 defense position regarding the presence of Mr. Nurjaman.

9 The commission at that time asked the parties to address the
10 matter in their filings and indicated that it would take those
11 matters up on the record, which it plans to do today.

12 Finally, the commission indicated that it would provide the
13 parties an update on deadlines and the start time for this
14 afternoon's session once it had the benefit of the government's
15 M.C.R.E. 505(h) notice.

16 No evidence was received, argument entertained, nor ruling
17 provided in that conference.

18 Does either side wish to object to or supplement my summary
19 of that R.M.C. 802 conference?

20 Trial Counsel?

21 TC [Lt Col GOEWERT]: No, Your Honor.

22 MJ [Lt Col BRAUN]: Defense Counsel?

23 LDC [MR. FANNIFF]: No, Your Honor.

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1 MJ [Lt Col BRAUN]: Thank you. Subsequent to that conference,
2 the parties did exchange e-mails with the commission as mainly to
3 communicate updates as discussed in the R.M.C. 802 conference.

4 The government also requested -- or notified the commission
5 that Lieutenant Colonel Miller and Major Pirog would be requesting
6 absence. The commission granted that request at that time.

7 Government followed up again this morning shortly a few moments ago
8 on the record with that.

9 The parties also provided updates on the timeline -- the
10 parties were also provided an update on the timeline for today's
11 proceeding as well as the commission provided the defense a deadline
12 for the filing of its response to the government's 505(h) request.

13 Does either side wish to supplement my summary of those
14 administrative e-mails or include any of those e-mails for purposes
15 of the record?

16 Trial Counsel?

17 TC [Lt Col GOEWERT]: Your Honor, we just want to provide an
18 additional update to the commission if that's appropriate at this
19 point in time. We don't want to supplement the record at this point
20 to provide those or provide additional matters.

21 MJ [Lt Col BRAUN]: Okay.

22 TC [Lt Col GOEWERT]: But we do have an update on the -- one
23 of those items for the commission.

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1 MJ [Lt Col BRAUN]: We'll take that in a moment, Trial
2 Counsel. Thank you for bringing that up.

3 Defense Counsel, do you want to supplement my summary or
4 mark any of those exchanges for the record?

5 LDC [MR. FANNIFF]: No, Your Honor.

6 MJ [Lt Col BRAUN]: Okay. Thank you.

7 Trial Counsel, why don't you provide the update that you
8 have, then.

9 TC [Lt Col GOEWERT]: So after the close of business last
10 night and this morning, OMC agreed to fund Mr. Hodes' travel to the
11 NCR for his appearance in this commission. At that point OMC and the
12 defense have been liaising to arrange his travel. So that matter is
13 now between them as they are working his travel.

14 MJ [Lt Col BRAUN]: Okay. Trial Counsel, do you have an
15 update as to date and time or ----

16 TC [Lt Col GOEWERT]: Your Honor, my understanding is that
17 Thursday was the day that he would travel, and he would travel
18 Thursday morning, catching a 6:30 a.m. flight from his location in
19 Miami to -- to the D.C. area in which case he would appear at
20 approximately 1:30 for an afternoon session of the commission and
21 then return home that day.

22 MJ [Lt Col BRAUN]: Okay. Does that match your understanding,
23 Defense Counsel?

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1 LDC [MR. FANNIFF]: For the most part, Your Honor. I believe
2 Mr. Hodes was not inclined to take such an early flight, but he does
3 have a flight that would currently get him into the D.C. area prior
4 to a 1:30 start time, Your Honor.

5 MJ [Lt Col BRAUN]: Okay. So, then, for planning purposes,
6 everybody can anticipate that Thursday session, at least as it
7 pertains to him, beginning at 1330.

8 So, Defense Counsel, if you could communicate that to him
9 just so that he's -- he can plan appropriately.

10 And then the parties, just for your awareness, at a minimum
11 we will be here, then, at that time on Thursday to take up his
12 continued representational obligations to Mr. Nurjaman.

13 LDC [MR. FANNIFF]: Yes, Your Honor. I would, I guess, have a
14 question, Your Honor. Since the filing pertaining to that
15 information was under seal, is your plan to have that be a closed
16 session or an open session?

17 MJ [Lt Col BRAUN]: At this time I think we can handle it in
18 an open session.

19 LDC [MR. FANNIFF]: I can say that Mr. Hodes indicated that he
20 would like it to be closed. And I can present justification if
21 necessary, Your Honor.

22 MJ [Lt Col BRAUN]: I'll take the justification. Do you want
23 to provide that justification, I'm assuming, in writing so that I

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1 can -- as opposed to on the open record?

2 LDC [MR. FANNIFF]: Yes, Your Honor.

3 MJ [Lt Col BRAUN]: Okay. So if you could provide that to the
4 commission so that I have the benefit of that, I will reconsider the
5 current position that I've taken on the matter and can communicate to
6 the parties if the commission feels it would be appropriate to handle
7 that matter in a closed session or in some other format.

8 LDC [MR. FANNIFF]: Thank you, Your Honor.

9 MJ [Lt Col BRAUN]: Okay. So in AE 0106.001, the defense
10 filed a classified motion requesting the commission order the accused
11 to be completely unshackled during attorney-client meetings. In the
12 alternative, the defense requests confinement credit for each day the
13 accused is shackled during attorney-client meetings against any
14 future sentenced imposed by this commission.

15 Before the commission can take up the substance of that
16 defense motion, the commission must address the issues raised in
17 AE 0106.005, which is a defense M.C.R.E. 505(g) notice of the intent
18 to disclose classified information.

19 In response to the defense notice, the government filed a
20 request for an in camera hearing pursuant to M.C.R.E. 505(h) and that
21 the accused be excluded from the hearing pursuant to
22 R.M.C. 806(b)(2)(B)(i) and (ii), which is marked as AE 0106.007.

23 The government also filed a classified notice providing

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1 classification guidance related to the AE 0106 series, which is
2 marked as AE 0106.006.

3 In AE 0106.008, the defense objected to the government's
4 request that Mr. Nurjaman be excluded from the M.C.R.E. 505(h)
5 hearing and any subsequent closed hearing where classified
6 information would be disclosed as part of the commission's
7 consideration of the AE 0106 series.

8 So, Counsel, to address those matters raised by the parties,
9 the commission will be breaking those issues apart into smaller
10 pieces and stepping through them individually.

11 First, the commission will inquire into the need for an in
12 camera hearing pursuant to M.C.R.E. 505(h).

13 Second, the commission will inquire into the matter
14 involving the presence of the accused for that 505(h) hearing.

15 Then, if appropriate, the commission will move into a 505(h)
16 in camera hearing wherein it will determine what potential classified
17 matters are involved and obtain the parties' respective positions.

18 Subsequent to that, the parties can expect the commission
19 will provide a ruling consistent with the requirements of 505 before
20 we can move into full consideration, then, of the defense's motion in
21 0106.

22 Does everyone understand generally how the commission plans
23 to step through the various issues raised by the parties?

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1 Trial Counsel?

2 ATC [Maj MILTON]: No, Your Honor.

3 MJ [Lt Col BRAUN]: Do you understand the path the commission
4 plans to take moving forward?

5 ATC [Maj MILTON]: Apologies, Your Honor. I have no
6 objection. I understand the path.

7 MJ [Lt Col BRAUN]: Okay. That was going to be my second
8 question. So no objection to that, that way ahead?

9 ATC [Maj MILTON]: That's correct, Your Honor.

10 MJ [Lt Col BRAUN]: Defense Counsel, do you understand? Any
11 objection?

12 DDC [Capt TRULL]: We understand. No objection, Your Honor.

13 MJ [Lt Col BRAUN]: Thank you.

14 So, Defense Counsel, in accordance with your notification
15 under 505(g), it appears that you intended to discuss classified
16 information as part of your presentation on the 0106 series. Is that
17 indeed the case?

18 DDC [Capt TRULL]: Yes, Your Honor.

19 MJ [Lt Col BRAUN]: Okay. Will that information be elicited
20 via evidence, testimony, or argument?

21 DDC [Capt TRULL]: The information will be elicited via
22 argument, Your Honor.

23 MJ [Lt Col BRAUN]: Trial Counsel, has a declaration pursuant

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1 to M.C.R.E. 505(h)(1)(C) been submitted regarding the evidence the
2 defense anticipates -- or the argument the defense anticipates
3 presenting?

4 ATC [Maj MILTON]: Yes, Your Honor.

5 **[Pause.]**

6 MJ [Lt Col BRAUN]: And, Trial Counsel, is that declaration
7 located within AE 0106.007?

8 ATC [Maj MILTON]: Yes, Your Honor.

9 MJ [Lt Col BRAUN]: So the commission will be considering that
10 declaration of the government in determining whether a 505(h) hearing
11 is necessary and the format of that hearing.

12 Trial Counsel, does the accused have the requisite security
13 clearance to have access to the information -- the classified
14 information noticed by the defense?

15 ATC [Maj MILTON]: He does not, Your Honor.

16 MJ [Lt Col BRAUN]: Defense Counsel, do you agree with that
17 statement?

18 DDC [Capt TRULL]: We do agree with that statement, Your
19 Honor.

20 MJ [Lt Col BRAUN]: So the commission did review the parties'
21 respective positions in their filings regarding the presence of
22 Mr. Nurjaman for a session which will include the discussion of the
23 matters contained within the defense's 505(g) notice.

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1 Defense, is there any additional authority you can direct
2 the commission to that permits the commission to allow the presence
3 of the accused? I have the authority you have cited in your filing
4 this morning. I'm asking, is there anything additional?

5 The commission is looking primarily at M.C.R.E. 505(a)(1) as
6 well as 10 U.S.C. Section 949p-1(a), where the commission is
7 instructed that: Under no circumstances may a military judge order
8 the release of classified information to any person not authorized to
9 receive such information.

10 **[Counsel conferred.]**

11 DDC [Capt TRULL]: We have no additional authority, Your
12 Honor. The defense position is that the MCA is clear, Mr. Nurjaman
13 has a right to be present for all proceedings. We filed this motion
14 in an unclassified setting. The government is the one who included
15 classified information in the record for consideration.

16 To the extent that provisions of the law are inconsistent,
17 it is our position that the MCA and his right to be here is the one
18 that should be followed.

19 MJ [Lt Col BRAUN]: So how would you reconcile the language
20 that I just cited to you? And I can direct you to M.C.R.E. 505(a)(1)
21 and 10 U.S.C. 949p1(a) -- p-1(a). Excuse me.

22 **[Counsel conferred.]**

23 DDC [Capt TRULL]: Your Honor, our position remains that the

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1 government is the one who brought this case against Mr. Nurjaman.

2 The government is the one who relied on classified information.

3 If they're going to rely on that in justifying their
4 treatment of him during his commission proceedings, then they need to
5 make that information releasable to him to some extent. The onus is
6 not on Mr. Nurjaman. It is on the government, who chose to rely on
7 classified information, who brought this case against him. And the
8 rules of this are also very clear that the information has to be
9 releasable to the accused when the government is relying on evidence
10 that is classified.

11 MJ [Lt Col BRAUN]: Okay. Thank you, Defense Counsel.

12 Trial Counsel, would you like to respond?

13 ATC [Maj MILTON]: Thank you, Your Honor.

14 This classified evidence has -- or information has
15 absolutely nothing to do with the accused's guilt or innocence. This
16 information was only brought forward because the defense initiated
17 this cause of action in the first place, and the government was
18 merely responding to their issuance.

19 The defense misreads the MCA to only restrict the accused on
20 occasions when he is, you know, disruptive. That is not what the MCA
21 says. The MCA says that he may be excluded under three circumstances
22 that are mentioned in 949d.

23 One of those is deliberations. The other one is involving

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1 classified or information that would be in a closed setting, to
2 include the safety of other individuals. And, excuse me, the third
3 one is when he's being disruptive. My apologies.

4 That doesn't just apply to the accused. 949d applies to the
5 accused, trial counsel, and defense counsel. And just like how the
6 accused can be excluded from closed sessions, so too can the defense
7 counsel. So too can the trial counsel on those occasions when the
8 defense is providing an ex parte discussion with the commission
9 concerning their theory in order to facilitate 505(f) discovery.

10 There are multiple occasions that the commission can close
11 the hearing for purposes to protect information that would exclude
12 one of those three parties mentioned in 949d. The accused does not
13 have unlimited rights to appear at every proceeding for this
14 commission. The MCA makes that very clear.

15 Thank you.

16 MJ [Lt Col BRAUN]: Okay. So the commission is going to take
17 a brief recess, consider the positions of the parties. We'll, after
18 that recess, provide a determination to the parties on the presence
19 of the accused, as well as whether or not the government's met its
20 justification for a hearing under 505, a closed hearing under 505.

21 For everybody's awareness, after that, then the commission
22 will also inquire into AE 0106.004. So to the extent that I think
23 that helps the parties be prepared for that, that inquiry that will

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1 come up with that appellate exhibit, please be ready for that after
2 the recess.

3 I don't expect this recess to take longer than 15 minutes.
4 If it does, I'll communicate that back through the bailiff. This
5 should be a pretty brief recess. At that point, then I will want to
6 get back onto the record and continue, continue on.

7 Before I recess us for 15 minutes, is there anything else we
8 can take up at this time?

9 Trial Counsel?

10 TC [Lt Col GOEWERT]: No, Your Honor.

11 MJ [Lt Col BRAUN]: Defense Counsel?

12 LDC [MR. FANNIFF]: No, Your Honor.

13 MJ [Lt Col BRAUN]: Okay. Very well. This commission's in a
14 15-minute recess.

15 **[The R.M.C. 803 session recessed at 1356, 24 June 2025.]**

16 **[The R.M.C. 803 session was called to order at 1414, 24 June 2025.]**

17 MJ [Lt Col BRAUN]: This commission will again come to order.

18 All parties that were present when the commission last
19 recessed are again present.

20 So, first, regarding the government's request for an
21 M.C.R.E. 505(h) in camera hearing, pursuant to M.C.R.E. 505(h)(1)(C),
22 I find that knowledge -- a knowledgeable United States official
23 possessing authority to classify information has submitted a

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1 declaration that a public proceeding may result in the disclosure of
2 classified information. Therefore, the commission finds that an in
3 camera proceeding pursuant to M.C.R.E. 505(h) is appropriate.

4 Second, regarding the presence of the accused at that
5 session. Upon consideration of the filing of the parties, the
6 attachments thereto, and the argument provided to counsel, the
7 commission makes the following findings by a preponderance of the
8 evidence: The defense intends to present oral argument in the
9 AE 0106 series which addresses classified information. A
10 knowledgeable United States official has provided a declaration
11 pursuant to M.C.R.E. 505(h) (1) (C).

12 An M.C.R.E. 505(h) hearing is necessary for the commission
13 to make all determinations concerning the use, relevance, or
14 admissibility of classified information that would otherwise be made
15 during the trial or pretrial proceedings.

16 The accused does not possess a security clearance permitting
17 him access to the anticipated classified information. The
18 knowledgeable U.S. official has determined access of this information
19 by the accused will be detrimental to national security.

20 Pursuant to M.C.R.E. 505(a) (1), classified information shall
21 be protected and is privileged if disclosure would be detrimental to
22 the national security. Under no circumstances may a military judge
23 order the release of classified information to any person not

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1 authorized to receive such information. This rule applies to all
2 stages of the proceedings.

3 R.M.C. 804 states except for certain in camera and ex parte
4 presentations as may be permitted under R.M.C. 701 through 703 and
5 Military Commission Rule of Evidence 505, the accused shall be
6 present at the arraignment, the time of the plea, every stage of the
7 trial, including sessions conducted without members, voir dire and
8 challenges of the members, the announcement of findings, sentencing
9 proceedings, and post-trial sessions, if any, except as otherwise
10 provided by the rules.

11 When it is determined that an M.C.R.E. 505(h) hearing is
12 necessary, any hearing held pursuant to the subsection or any portion
13 of such hearing specified in the request of a knowledgeable United
14 States official shall be held in camera if a knowledgeable United
15 States official possessing authority to classify information submits
16 to the military judge a declaration that a public proceeding may
17 result in the disclosure of classified information.

18 The court makes the following analysis and conclusion of
19 law: The commission finds no authority to allow the disclosure of
20 classified information pertaining to the AE 0106 series to the
21 accused. Based on the clear guidance provided in M.C.R.E. 505(a)(1)
22 and 10 U.S.C. Section 949p-1(a), under no circumstances may a
23 military judge order the release of classified information to any

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1 person not authorized to receive such information.

2 The commission finds it has no authority to allow the
3 disclosure of the classified information pertaining to the AE 0106
4 series to the accused. Therefore, the accused will be excluded from
5 the in camera proceedings held pursuant to M.C.R.E. 505(h) as it
6 relates to the consideration of the AE 0106 series.

7 The government's request to exclude the accused from the in
8 camera proceeding is granted.

9 The court reserves the right to supplement the record with
10 written rulings on both those matters, and those rulings are subject
11 to modification up to certification of the record of trial.

12 Does either side have any question regarding the court's
13 rulings on those two matters?

14 Trial Counsel?

15 ATC [Maj MILTON]: No, Your Honor.

16 MJ [Lt Col BRAUN]: Defense Counsel?

17 DDC [Capt TRULL]: No, Your Honor.

18 MJ [Lt Col BRAUN]: Okay. So before we move to take up
19 matters regarding the closed session, I'm going to address the joint
20 Stipulation of Fact, which the commission was provided notice of in
21 AE 0106.004. I will note that the substance of the stipulation is
22 classified.

23 Mr. Fanniff, is the stipulation in its final form?

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1 LDC [MR. FANNIFF]: Yes, Your Honor.

2 MJ [Lt Col BRAUN]: Have we marked that stipulation as the
3 next appellate exhibit in line?

4 LDC [MR. FANNIFF]: Yes, Your Honor.

5 MJ [Lt Col BRAUN]: And my understanding is that will -- it
6 will be identified as AE 0106.010 (NUR).

7 Is that also your understanding?

8 LDC [MR. FANNIFF]: Yes, Your Honor.

9 MJ [Lt Col BRAUN]: Okay. Lieutenant Goewert -- Lieutenant
10 Colonel Goewert, do you agree that the stipulation is in its final
11 form?

12 TC [Lt Col GOEWERT]: We do, Your Honor.

13 MJ [Lt Col BRAUN]: Okay. Defense Counsel, recognizing that
14 this is a classified document, were you able to discuss the
15 Stipulation of Fact with your client generally?

16 LDC [MR. FANNIFF]: Yes, I was.

17 MJ [Lt Col BRAUN]: Now, Mr. Nurjaman, I appreciate that the
18 contents of this document are classified. However, did you generally
19 discuss the Stipulation of Fact with your counsel?

20 ACC [MR. NURJAMAN]: Yes.

21 MJ [Lt Col BRAUN]: Did your defense counsel explain what a
22 stipulation of fact is to you?

23 **[Counsel conferred with the accused.]**

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1 ACC [MR. NURJAMAN]: Yes.

2 MJ [Lt Col BRAUN]: And, Mr. Nurjaman, I saw you took a moment
3 there to discuss some questions you may have had with your defense
4 counsel. That's fine. If you need to do so, just let me know and
5 I'll make sure you have the time to do that. Okay?

6 ACC [MR. NURJAMAN]: Yes.

7 MJ [Lt Col BRAUN]: Okay. When you discussed what a
8 stipulation of fact is with your defense counsel, did your defense
9 counsel explain why they believe entering into the Stipulation of
10 Fact is in your best interest?

11 LDC [MR. FANNIFF]: One moment, Your Honor.

12 **[Counsel conferred with the accused.]**

13 ACC [MR. NURJAMAN]: **[Speaking in English]** Yes.

14 MJ [Lt Col BRAUN]: Now, Mr. Nurjaman, you have the absolute
15 right to refuse to stipulate to any facts in this commission. Given
16 that, you have the right not to enter into this stipulation, and I
17 will only accept this stipulation with your consent. You should,
18 therefore, only enter into this stipulation if you believe you -- if
19 you want to do so and believe it is in your best interest to do so.

20 Do you understand that?

21 ACC [MR. NURJAMAN]: Yes, I understand.

22 MJ [Lt Col BRAUN]: So, Mr. Nurjaman, when counsel and you
23 stipulate or agree to a fact, the parties are bound by that

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1 stipulation and the stipulated matters are facts in evidence to be
2 considered along with all the other evidence in the case.

3 Do you understand that?

4 ACC [MR. NURJAMAN]: Yes, understood.

5 MJ [Lt Col BRAUN]: So in this situation -- so in this
6 situation, the stipulation the parties have proposed would only apply
7 to the court's consideration of your counsel's motion in Appellate
8 Exhibit 0106.001. As such, this commission would only consider the
9 matters contained in the stipulation for the limited purpose of
10 resolving that particular motion.

11 Do you understand that?

12 DDC [Capt TRULL]: One moment, Your Honor.

13 **[Counsel conferred with the accused.]**

14 ACC [MR. NURJAMAN]: Yes, I understand.

15 MJ [Lt Col BRAUN]: So knowing all that I have told you and
16 what your defense counsel has advised you, do you still desire to
17 enter into this stipulation?

18 ACC [MR. NURJAMAN]: Yes, I still want to do that.

19 MJ [Lt Col BRAUN]: Do counsel concur with the contents of the
20 stipulation?

21 Trial Counsel?

22 TC [Lt Col GOEWERT]: We do, Your Honor.

23 MJ [Lt Col BRAUN]: Defense Counsel?

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1 LDC [MR. FANNIFF]: Yes, Your Honor.

2 MJ [Lt Col BRAUN]: Any objection to the court considering
3 those matters stipulated in AE 0106.0 -- or I'm sorry. Any objection
4 to the court considering the contents of that stipulation for
5 purposes of ruling upon Appellate Exhibit 0106.001?

6 Trial Counsel?

7 TC [Lt Col GOEWERT]: No, Your Honor.

8 MJ [Lt Col BRAUN]: Defense Counsel?

9 LDC [MR. FANNIFF]: No, Your Honor.

10 MJ [Lt Col BRAUN]: Very well. The court will so consider the
11 Stipulation of Fact. I am providing the original of 0106.010 (NUR)
12 to the court reporter.

13 So, Counsel, at this point we need to take a recess to allow
14 the courtroom to be reconfigured for purposes of the M.C.R.E. 505(h)
15 hearing. This recess, I am told, is going to take approximately 30
16 to 45 minutes. So for your planning purposes, you can plan on having
17 that much time to get together whatever you need to.

18 Once we are set up and ready to go, I'm going to reconvene
19 the commission, place us in that closed session for consideration
20 under -- or in accordance with M.C.R.E. 505(h). I just ask that the
21 parties be ready then to proceed with the taking of evidence and then
22 argument on that particular series of motion.

23 Before I recess us to allow the reconfiguration of the

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1 courtroom, are there any other matters that we can handle at this
2 time?

3 Trial Counsel?

4 TC [Lt Col GOEWERT]: No, Your Honor.

5 MJ [Lt Col BRAUN]: Defense Counsel?

6 LDC [MR. FANNIFF]: No, Your Honor.

7 MJ [Lt Col BRAUN]: Okay. Very well.

8 This court's in recess.

9 **[The R.M.C. 803 session recessed at 1429, 24 June 2025.]**

10 **[END OF PAGE]**