

**UNITED STATES ARMY TRIAL JUDICIARY
FOURTH JUDICIAL CIRCUIT**

UNITED STATES OF AMERICA)	
)	
v.)	GOVERNMENT RESPONSE TO
)	DEFENSE SUPPLEMENTAL
SMITH, Eric B.)	DISCOVERY REQUEST
Major (O-4), U.S. Army)	
Headquarters and Headquarters Company,)	
Troop Command,)	
Madigan Army Healthcare System,)	
Tacoma, WA 98431)	16 August 2012

The Government responds to the Defense's Discovery Request dated 13 August 2012 as follows:

- a. (1) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

- (2) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

- (3) – The Government is currently unaware of any additional materials of this nature, other than what has been previously provided to Defense.

- (4) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

- b. (1) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

- (2) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

- (3) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(4) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(5) – There are no rejected/failed applications to become ASCLD-LAB certified to the Government's knowledge at this time.

c. (1) – The Government has previously provided the matters requested by this paragraph, or includes them in this response. If additional items requested in this paragraph become available, the Government will furnish them to the Defense immediately.

(2) – The Government has previously provided the matters requested by this paragraph, or includes them in this response. If additional items requested in this paragraph become available, the Government will furnish them to the Defense immediately.

(3) – The Government has previously provided the matters requested by this paragraph, or includes them in this response. If additional items requested in this paragraph become available, the Government will furnish them to the Defense immediately.

(4) – The Government has previously provided the matters requested by this paragraph, or includes them in this response. If additional items requested in this paragraph become available, the Government will furnish them to the Defense immediately.

(5) – This request goes to the chain of custody and testing procedures of the sample, which have been previously provided to the Defense.

(6) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(7) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(8) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(9) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(10) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(11) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(12) – The Government has previously provided the matters requested by this paragraph, or includes them in this response. If additional items requested in this paragraph become available, the Government will furnish them to the Defense immediately.

(13) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(14) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(15) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(16) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(17) – This request is overbroad and seeks to elicit information that may be privileged; to the extent this material eluded to is discoverable to Defense, it has either already been provided, or the Defense has been privy to such material.

(18) – The Government has previously provided the matters requested by this paragraph, or includes them in this response. If additional items requested in this paragraph become available, the Government will furnish them to the Defense immediately.

(19) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

d. (1) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(2) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(3) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(4) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(5) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(6) – The Government has previously provided the matters requested by this paragraph, or includes them in this response. If additional items requested in this paragraph become available, the Government will furnish them to the Defense immediately.

(7) – These materials are available for Defense to inspect at Tripler Medical Center.

(8) – These materials are available for Defense to inspect at Tripler Medical Center.

(9) – These materials are available for Defense to inspect at Tripler Medical Center.

(10) – These materials are available for Defense to inspect at Tripler Medical Center.

(11) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(12) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(13) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(14) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(15) – This request is voluminous in nature, and is available for Defense to inspect at Tripler Medical Center.

(16) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.


(17) – These materials have been requested. If any such evidence is received they will be sent to the Defense. The Government is aware of its ongoing obligations pertaining to mandatory disclosure, and will make all efforts to do so in a timely fashion.

(18) – The Government has previously provided the matters requested by this paragraph, or includes them in this response. If additional items requested in this paragraph become available, the Government will furnish them to the Defense immediately.

(19) – The request is vague, and from Defense’s description no such materials are known to be in the Government’s possession. If such material requested in this paragraph become available, the Government will furnish them to the Defense immediately.


(20) – The Government has previously provided the matters requested by this paragraph, or includes them in this response. If additional items requested in this paragraph become available, the Government will furnish them to the Defense immediately.

- e. Government has been notified that the sample has been put on hold, and is still maintained by the testing laboratory.



ALEXANDER H. KWON
CPT, JA
Trial Counsel

I certify that I served or caused to be served a true copy of the above on the Trial Counsel on 16 August 2012.



ALEXANDER H. KWON
CPT, JA
Trial Counsel