

**JUDICIAL PROCEEDINGS PANEL
REQUEST FOR INFORMATION SET # 1**

18. Services: Provide copies (with personally identifiable information redacted) of the following documents from January 1, 2013 through September 30, 2014, related to requests for information made before, during, or after trial by adult victims of sexual assault (a representative sample is acceptable for issues that are commonly raised):

a. Motions.

USA	No motions have been filed.
USAF	<p>See Atch 18a.1.</p> <p>ATTACHMENT 18:</p> <ul style="list-style-type: none"> - Atch 18a.1 – Victim’s Request to Compel Defense to Provide Its Motion to Admit MRE 412 Evidence to Victim
USN	<p>Samples of documents used to seek access to case information are provided in enclosure (12). These samples include pre-referral FOIA requests filed by victims (assisted by VLC), responses to those requests, and VLC requests for information; a post-referral VLC Motion seeking access to case information, the government’s response, and the court’s ruling; and a Writ of Mandamus filed seeking review of the lower court’s denial of the VLC Motion with follow-on Orders effecting a formal Stay, then vacating of the Stay once the lower court made findings for the record.</p> <p>ENCLOSURE 12: Release of Information (sample documents).</p>
USMC	<p>The Marine Corps does not regularly collect this information, for available information see enclosure (7).</p> <p>ENCLOSURE (7) Documents from 1 January 2013 Through 20 September 2014 Related to Requests for Information by Adult Victims of Sexual Assault:</p> <ul style="list-style-type: none"> a) Government Response to Victim Motion “Form Materials Necessary to Exercise Substantive Legal Rights on Behalf of Victim H.S.” – H.S. LT (O-3), USN b) Petition for Extraordinary Relief in the Form of a Writ of Mandamus – H.S. c) Order Re: Petition for Writ of Mandamus – H.S. d) Order for Stay of Proceedings – H.S. e) Motion for Materials Necessary to Exercise Substantive Legal Rights on Behalf of Victim H.S. – H.S. f) VLCO Attachments A-C g) VCLO Attachments E-F h) VLCO Attachments G-I
USCG	<p>To date, there have been no victim requests for information through motions practice. The notice of representation filed by the SVC (<i>see</i> Attachments (8)-(9)) includes a request for information.</p> <p>ATTACHMENTS 8 AND 9:</p> <ul style="list-style-type: none"> - Attachment (8): SVC Notice of Representation/Notice of Appearance (Sample)

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	- Attachment (9): Notice of Appearance of Special Victim’s Counsel in the case of <i>United States v. Lanham</i>
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b. Responses.

USA	No responses have been filed.
USAF	See Atchs 18b.1 and 18b.2. ATTACHMENT 18: - Atch 18b.1 – Government Response to Special Victims Counsel Request for Information - Atch 18b.2 – Defense Response to Alleged Victim’s Motion to Compel
USN	Samples of documents used to seek access to case information are provided in enclosure (12). These samples include pre-referral FOIA requests filed by victims (assisted by VLC), responses to those requests, and VLC requests for information; a post-referral VLC Motion seeking access to case information, the government’s response, and the court’s ruling; and a Writ of Mandamus filed seeking review of the lower court’s denial of the VLC Motion with follow-on Orders effecting a formal Stay, then vacating of the Stay once the lower court made findings for the record. ENCLOSURE 12: Release of Information (sample documents).
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USCG	To date, there have been no victim requests for information through motions practice. The notice of representation filed by the SVC (<i>see</i> Attachments (8)-(9)) includes a request for information. ATTACHMENTS 8 AND 9: - Attachment (8): SVC Notice of Representation/Notice of Appearance (Sample) - Attachment (9): Notice of Appearance of SVCs - <i>United States v. Lanham</i>

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c. Court-martial Rulings.

USA	No court-rulings have been issued.
USAF	See Atchs 18c.1 and 18c.2. ATTACHMENT 18: - Atch 18c.1 – Judicial Ruling: Standing of Special Victim’s Counsel - Atch 18c.2 – Denial of Defense Counsel Motion
USN	Samples of documents used to seek access to case information are provided in enclosure (12). These samples include pre-referral FOIA requests filed by victims (assisted by VLC), responses to those requests, and VLC requests for information; a post-referral VLC Motion seeking access to case information, the government’s response, and the court’s ruling; and a Writ of Mandamus filed seeking review of the lower court’s denial of the VLC Motion with follow-on Orders effecting a formal Stay, then vacating of the Stay once the lower court made findings for the record. ENCLOSURE 12: Release of Information (sample documents).
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d. Writs.

USA	No Writs for information have been filed.
USAF	See Atch 18d.1. ATTACHMENT 18: - Atch 18d.1 – Petition for Extraordinary Relief in the Nature of a Writ of Mandamus
USN	Samples of documents used to seek access to case information are provided in enclosure (12). These samples include pre-referral FOIA requests filed by victims (assisted by VLC), responses to those requests, and VLC requests for information; a post-referral VLC Motion seeking access to case information, the government’s response, and the court’s ruling; and a Writ of Mandamus filed seeking review of the lower court’s denial of the VLC Motion with follow-on Orders effecting a formal Stay, then vacating of the Stay once the lower court made findings for the record. ENCLOSURE 12: Release of Information (sample documents).
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e. Appellate briefs.

USA	No Appellate briefs have been filed.
USAF	<p>See Atchs 18e.1 – 18e.23.</p> <p>ATTACHMENT 18:</p> <ul style="list-style-type: none"> - Atch 18e.1 – Answer to Order to Show Cause - Atch 18e.2 – Proposed Brief of Amicus Curiae National Crime Victim Law Institute In Support of L.R.M.’s Petition for Extraordinary Relief in the Nature of a Writ of Mandamus - Atch 18e.3 – Reply to United States Answer to Order to Show Cause - Atch 18e.4 – Real Party In Interest’s Response to Petition for Extraordinary Relief in the Nature of a Writ of Mandamus - Atch 18e.5 – Brief of Air Force Trial Defense Division as Amicus Curiae in Support of Airman First Class (E-3) Nicholas E. Daniels, USAF, Real Party in Interest - Atch 18e.6 – Brief of Amicus Curiae of Appellate Defense Divisions for the Navy-Marine Corps and Coast Guard in Opposition to LRM’s Petition for Extraordinary Relief in the Nature of a Writ of Mandamus - Atch 18e.7 – Out of Time Amicus Curiae Brief on Behalf of Army Defense Appellate Division in Opposition to LRM’s Petition for Extraordinary Relief in the Nature of a Writ of Mandamus - Atch 18e.8 – Second Motion for Stay of Trial Proceedings - Atch 18e.9 – Petitioner’s Motion for Reconsideration En Banc & Petition for Stay of Proceedings - Atch 18e.10 – Docketing Notice - Atch 18e.11 – Brief on Behalf of A1C LRM - Atch 18e.12 – Amicus Curiae Brief of the Air Force Appellate Government Division - Atch 18e.13 – Proposed Brief of Amicus Curiae National Crime Victim Law Institute in Support of Petitioner’s Brief - Atch 18e.14 – Brief on Behalf of Appellee - Atch 18e.15 – Real Party In Interest’s Answer to Certified Question - Atch 18e.16 – Reply Brief on Behalf of Appellant - Atch 18e.17 – Amicus Curiae Brief of the Army Defense Appellate Division - Atch 18e.18 – Brief of Air Force Trial Defense Division In Support of Appellee and Real Party in Interest - Atch 18e.19 – Brief on Behalf of Amicus Curiae – United States Marine Corps Defense Services Organization - Atch 18e.20 – Brief of Amicus Curiae of Appellate Defense Division for the Navy-Marine Corps in Opposition to LRM’s Petition for Extraordinary Relief in the Nature of a Writ of Mandamus - Atch 18e.21 – Proposed Brief of Amicus Curiae Protect Our Defenders in Support of Appellant LRM’s Petition for Extraordinary Relief in the Nature of a Writ of Mandamus

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	<ul style="list-style-type: none"> - Atch 18e.22 – Real Party in Interest’s Opposition to Motion of Protect Our Defenders for Leave to File an Amicus Curiae Brief - Atch 18e.23 – Motion to Supplement the Record Filed by Amicus Curiae Protect Our Defenders
USN	<p>Samples of documents used to seek access to case information are provided in enclosure (12). These samples include pre-referral FOIA requests filed by victims (assisted by VLC), responses to those requests, and VLC requests for information; a post-referral VLC Motion seeking access to case information, the government’s response, and the court’s ruling; and a Writ of Mandamus filed seeking review of the lower court’s denial of the VLC Motion with follow-on Orders effecting a formal Stay, then vacating of the Stay once the lower court made findings for the record.</p> <p>ENCLOSURE 12: Release of Information (sample documents).</p>
USMC	<p>The Marine Corps does not regularly collect this information, for available information see enclosure (7).</p> <p>ENCLOSURE (7) Documents from 1 January 2013 Through 20 September 2014 Related to Requests for Information by Adult Victims of Sexual Assault:</p> <ul style="list-style-type: none"> a) Government Response to Victim Motion “Form Materials Necessary to Exercise Substantive Legal Rights on Behalf of Victim H.S.” – H.S. LT (O-3), USN b) Petition for Extraordinary Relief in the Form of a Writ of Mandamus – H.S. c) Order Re: Petition for Writ of Mandamus – H.S. d) Order for Stay of Proceedings – H.S. e) Motion for Materials Necessary to Exercise Substantive Legal Rights on Behalf of Victim H.S. – H.S. f) VLCO Attachments A-C g) VCLO Attachments E-F h) VLCO Attachments G-I
USCG	<p>To date, there have been no victim requests for information through motions practice. The notice of representation filed by the SVC (<i>see</i> Attachments (8)-(9)) includes a request for information.</p> <p>ATTACHMENTS 8 AND 9:</p> <ul style="list-style-type: none"> - Attachment (8): SVC Notice of Representation/Notice of Appearance (Sample_ - Attachment (9): Notice of Appearance of Special Victim’s Counsel in the case of <i>United States v. Lanham</i>

f. Appellate rulings.

USA	No Appellate rulings have been filed.
USAF	See Atchs 18f.1 – 18f.5.
	ATTACHMENT 18:

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	<ul style="list-style-type: none"> - Atch 18f.1 – Order - Atch 18f.2 – Order - Atch 18f.3 – Order - Atch 18f.4 – Petitioner’s Motion for Reconsideration En Banc - Atch 18f.5 – <i>LRM v. Kastenberg</i>, 72 M.J. 364 (C.A.A.F. 2013)
USN	<p>Samples of documents used to seek access to case information are provided in enclosure (12). These samples include pre-referral FOIA requests filed by victims (assisted by VLC), responses to those requests, and VLC requests for information; a post-referral VLC Motion seeking access to case information, the government’s response, and the court’s ruling; and a Writ of Mandamus filed seeking review of the lower court’s denial of the VLC Motion with follow-on Orders effecting a formal Stay, then vacating of the Stay once the lower court made findings for the record.</p> <p>ENCLOSURE 12: Release of Information (sample documents).</p>
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g. Any other requests for documents or information by or on behalf of victims, particularly before referral.

USA	Special Victim Counsel work with the Trial Counsel when making a request for information. Trial Counsel are required to disclose information pursuant to TJAG
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	<p>Policy Memorandum 14-09. See Enclosure 7. No standard forms have been used by SVC to request such information. Requests for information and evidence have been made in person, by telephone, or informally by email. A representative sample of email requests is attached as Enclosure 9.</p> <p>On 1 October 2014, The Judge Advocate General issued Policy #14-09 entitled “Disclosure of Information to Crime Victims.” This policy directs prosecutors to disclose certain types of information without request. Requests for information beyond those enumerated categories are to be processed “without delay under the applicable procedures of the Freedom of Information Act or Privacy Act.” See Enclosure 7.</p> <p>ENCLOSURES 7 and 9:</p> <p>Enclosure 7, TJAG Policy Memoranda:</p> <ol style="list-style-type: none"> a. TJAG Policy Memorandum 14-09, Disclosure of information to Crime Victims (01 Oct 2014) b. TJAG Policy Memorandum 14-01, Special Victim Counsel (01 Nov 2014) c. TJAG Policy Memorandum 14-06, Special Victim Prosecutors (22 Jan 2014) d. TJAG Policy Memorandum 14-08, Location, Supervision, Evaluation and Assignment of Judge Advocates in Brigades (24 Aug 2014) <p>Enclosure 9, Sample SVC requests for information:</p> <ol style="list-style-type: none"> a. SVC Request for Statements – Fort Wainwright, AK b. SVC Request for Statements – I Corps, AK c. SVC Request for Statements –Article 32 d. SVC Request for Statements – Fort Drum, NY
<p>USAF</p>	<p>See Atchs 18g.1 – 18g.15.</p> <p>ATTACHMENT 18:</p> <ul style="list-style-type: none"> - Atch 18g.1 – Notice of Representation - Atch 18g.2 – Notice of Representation - Atch 18g.3 – Special Victims’ Counsel Notice of Appearance - Atch 18g.4 – Notice of Appearance: Special Victims’ Counsel - Atch 18g.5 – FOIA Request for Report of Investigation - Atch 18g.6 – Request for Records Under FOIA/PA Rules - Atch 18g.7 – Freedom of Information Request - Atch 18g.8 – SVC Request for Information - Atch 18g.9 – SVC Request for Report of Investigation - Atch 18g.10 – SVC Request for Information - Atch 18g.11 – Request for Information to Norfolk Constabulary - Atch 18g.12 – SVC Request for Information - Atch 18g.13 – SVC Request for Records

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	<ul style="list-style-type: none"> - Atch 18g.14 – Victim Request for Record of Trial - Atch 18g.15 – Follow Up Request for Information
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