



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH BOMB WING (ACC)
DYESS AIR FORCE BASE TEXAS 79607

12 September 2011

MEMORANDUM FOR DEFENSE COUNSEL

FROM: TRIAL COUNSEL

SUBJECT: Third Discovery Request - United States v. 1st Lt Patrick T. Burke

1. In light of the results of the inquiry into the mental capacity or mental responsibility of the accused and Pursuant to R.C.M. 701(b)(2) and applicable case law, the prosecution requests that the defense provide the following information concerning the above case:

a. Notice of the defense's intention to rely upon the defense of lack of mental responsibility and the defense's intention to introduce expert testimony concerning the accused's mental condition. R.C.M. 701(b)(2). This request includes the names, addresses, and phone numbers of any and all expert witnesses upon which the defense intends to rely to establish such a defense. To the extent the defense intends to rely upon this defense and offer expert testimony concerning the mental condition of the accused, this request includes disclosure of the full contents of any report prepared pursuant to R.C.M. 706. Mil. R. Evid. 302(c). To the extent the defense intends to rely upon this defense, this request includes notice of intent to offer any statements made by the accused during such an examination and copies thereof. Mil. R. Evid. 302(c).

2. This is a continuing request and, as a result, the defense is required to disclose any additional information or evidence covered by this request which becomes known to the defense at any time prior to the end of the trial. R.C.M. 701(d).

3. The prosecution requests that the defense comply with this request no later than 23 September 2011. If the defense does not intend to comply with any provision of this request, the prosecution requests immediate notification of such an intention and the basis therefore.

A handwritten signature in blue ink, reading "Dustin B. Kouba", is positioned above the typed name.

DUSTIN B. KOUBA, Capt, USAF
Trial Counsel

Certificate of Service

I hereby certify that on 12 September 2011, I emailed a copy of this Government Third Discovery Request in the case of United States v. 1st Lt Patrick T. Burke to the Defense.



DUSTIN B. KOUBA, Capt, USAF
Trial Counsel