

IN THE UNITED STATES ARMY
COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee

v.

Private First Class (E-3)
CHELSEA E. MANNING,
United States Army,
Appellant

MOTION FOR COURT ORDER TO USE
APPELLANT'S LEGAL NAME AND TO
PRECLUDE THE USE OF
APPELLANT'S FORMER NAME IN ALL
COURT DOCUMENTS AND TO ATTACH
APPELLATE EXHIBITS A, B, AND C

Docket No. ARMY 20130739

Tried at Fort Meade, Maryland,
on 23 February, 15-16 March,
24-26 April, 6-8, 25 June, 16-
19 July, 28-30 August, 2, 12,
and 17-18 October, 7-8, and 27
November-2, 5-7, and 10-11
December 2012, 8-9 and 16
January, 26 February-1, 8
March, 10 April, 7-8 and 21
May, 3-5, 10-12, 17-18 and 25-
28 June, 1-2, 8-10, 15, 18-19,
25-26, and 28 July-2, 5-9, 12-
14, 16, and 19-21 August 2013,
before a general court-martial
appointed by Commander, United
States Army Military District
of Washington, Colonel Denise
Lind, Military Judge,
presiding.

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES
ARMY COURT OF CRIMINAL APPEALS

Undersigned appellate defense counsel, under Rule 23 of
this honorable court's Internal Rules of Practice and Procedure,
moves to have this court order the use of appellant's legal
name, Chelsea Elizabeth Manning, and to preclude the use of
appellant's former name, Bradley Edward Manning, and to use

female pronouns in reference to appellant, in all future formal papers filed before this court and all future orders and decisions of this court. Appellate defense counsel also moves to have this court attach the following documents as Defense Appellate Exhibits [hereinafter Def. App. Exs.] A, B, and C:*

A: Leavenworth County, Kansas District Court Order Changing Name;

B: Department of the Army Form 4187 (Personnel Action) dated 29 May 14 reflecting name change; and

C: Army Reg. 600-8-104, Army Military Human Resource Records Management, para. 5-4 (7 Apr. 14).

Attaching Def. App. Exs. A, B, and C is necessary to support the matters raised in this motion.

Appellate defense counsel consulted with appellate government counsel who has not yet expressed a position on this motion.

* Attached as an Appendix to this Motion.

Conclusion

WHEREFORE, appellant personally requests this honorable court grant the requested relief.

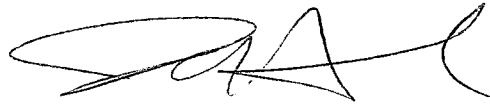


Panel No. 3

FOR NANCY HOLLANDER
Attorney at Law
Freedman Boyd Hollander
Goldberg Urias & Ward P.A.
20 First Plaza, Suite 700,
Albuquerque, NM 87102
505-842-9960
nh@fbdlaw.com

MOTION FOR COURT ORDER
TO USE APPELLANT'S LEGAL
NAME, PRECLUDE THE USE OF
APPELLANT'S FORMER NAME
AND TO USE FEMALE PRONOUNS
IN ALL COURT DOCUMENTS:

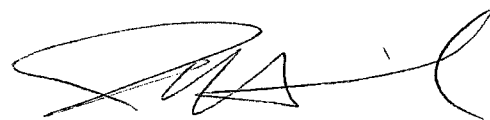
GRANTED: IN PART See Order
DENIED: IN PART dated
DATED: MAR 4 2015 4 Mar 15



FOR VINCENT J. WARD
Attorney at Law
Freedman Boyd Hollander
Goldberg Urias & Ward P.A.
20 First Plaza, Suite 700,
Albuquerque, NM 87102
505-842-9960
vjlw@fbdlaw.com

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBITS A, B, AND C:

GRANTED: X
DENIED: _____
DATED: MAR 4 2015



J. DAVID HAMMOND
CPT, JA
Appellate Defense Counsel

APPENDIX

Def. App. Ex. A

IN THE FIRST JUDICIAL CIRCUIT
DISTRICT COURT OF LEAVENWORTH COUNTY, KANSAS

FILED
LEAVENWORTH CO. KS

2014 APR 23 AM 9:40 U

CLERK OF DIST. COURT

IN THE MATTER OF THE PETITION OF:

Case No. 2014-CV-000039

Bradley Edward Manning

Div. No. 4

FOR CHANGE OF NAME TO:

ORDER CHANGING NAME

Chelsea Elizabeth Manning

Pursuant to K.S.A. 60-1402

PURSUANT TO K.S.A. CHAPTER 60

Dated: April 23, 2014

1. Now, on this the 23rd day of April, 2014 the above-captioned matter comes before this Court upon the Petition of the Petitioner, Bradley Edward Manning, for change of name.
2. The Petitioner is currently confined at the United States Disciplinary Barracks (USDB) in Fort Leavenworth, Kansas and is not appearing.
3. There are no other parties appearing.
4. The Court, upon hearing the testimony, upon examining the evidence presented, and upon review of the record of the proceedings herein, finds as follows:
 - a. That this Court has Jurisdiction over the Parties in this case.
 - b. That this Court has Jurisdiction over the subject matter of this case.
 - c. That the Venue is appropriate in Leavenworth County, Kansas.
 - d. That service has been properly obtained on, or notice has been given to, all interested Parties, or service and notice have been waived because there are no interested Parties other than the Petitioner.
 - e. The allegations in the Petitioner's Petition are true.
 - f. That the Petitioner, Bradley Edward Manning, is now and has been a resident of the State of Kansas for a period of more than sixty (60) days immediately preceding the filing of this Petition.
 - g. That the Petitioner's date of birth is (b) (6) (b) (6)

h. That the Petitioner's place of birth is (b) (6) (b) (6)
(b) (6)

i. That the Petitioner's birth certificate shows the Petitioner's name as Bradley Edward Manning.

j. That the Petitioner's present name is Bradley Edward Manning.

k. That the Petition for Change of Name is not made for the purpose of avoiding any debts, obligations or legal process, and is not made for the purpose of misleading or defrauding any person.

l. That the Petition for Change of Name will not result in prejudice to any person.

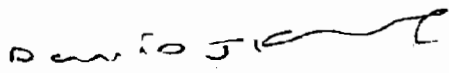
m. That no objections have been made to the Court.

5. The Court finds that the Petitioner, Bradley Edward Manning, is entitled to change name from Bradley Edward Manning to Chelsea Elizabeth Manning.

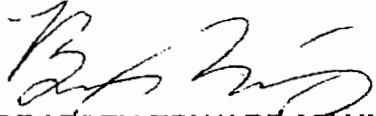
6. It is therefore by the court **CONSIDERED, ORDERED, ADJUDGED**, and **DECREED** that the above and foregoing findings are made as Orders of this Court, that the Petitioner's name be changed to Chelsea Elizabeth Manning, and that the costs of this proceeding are assessed against the Petitioner.

7. It is further **ORDERED** that, upon proper application, an amended or substitute birth certificate be issued to reflect the Petitioner's new name, Chelsea Elizabeth Manning.

8. It is so **ORDERED** on this 23rd day of April, 2014.


DAVID J. KING
Chief Judge, District Court
Leavenworth County, Kansas

Submitted by:


BRADLEY EDWARD MANNING
Petitioner, *pro se*

Bradley E. Manning 89289
1300 North Warehouse Road
Fort Leavenworth, Kansas 66027-2304

Def. App. Ex. B

Copy 1

Circle the appropriate copy designator

Copy 2

Copy 3

Copy 4

PERSONNEL ACTION

For use of this form, see AR 600-8-8 and DA PAM 600-8-21, the proponent agency is ODCSPER

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: Title 5, Section 3012, Title 10, USC, EO 9397
PRINCIPAL PURPOSE: Used by soldier in accordance with DA PAM 600-8-21 when requesting a personnel action on his/her own behalf (Section III).
ROUTINE USES: To initiate the processing of a personnel action being requested by the soldier.
DISCLOSURE: Voluntary. Failure to provide social security number may result in a delay or error in processing of the request for personnel action.

1 THRU (Include ZIP Code) 2 TO (Include ZIP Code) 3 FROM (Include ZIP Code)
 PSB Personnel Control Facility
 Fort Sill, OK 73503 FORT SILL, OK 73503-5100

SECTION I - PERSONAL IDENTIFICATION

4. NAME (Last, First, MI) 5. GRADE OR RANK/PMOS/AOC 6. SOCIAL SECURITY NUMBER
 MANNING, BRADLEY E. PV1/35F (b) (6)

SECTION II - DUTY STATUS CHANGE (AR 600-8-6)

7. The above soldier's duty status is changed from _____ to _____
 effective 900 hours, 29 MAY 2014

SECTION III - REQUEST FOR PERSONNEL ACTION

8. I request the following action (Check as appropriate)

<input type="checkbox"/> Service School (Ent only)	<input type="checkbox"/> Special Forces Training/Assignment	<input type="checkbox"/> Identification Card
<input type="checkbox"/> ROTC or Reserve Component Duty	<input type="checkbox"/> On-the-Job Training (Ent only)	<input type="checkbox"/> Identification Tags
<input type="checkbox"/> Volunteering For Overseas Service	<input type="checkbox"/> Rotesting in Army Personnel Tests	<input type="checkbox"/> Separate Rations
<input type="checkbox"/> Ranger Training	<input type="checkbox"/> Reassignment Married Army Couples	<input type="checkbox"/> Leave - Excess/Advance/Outside CONUS
<input type="checkbox"/> Reassignment Extreme Family Problems	<input type="checkbox"/> Reclassification	<input type="checkbox"/> Change of Name/SSN/DOB
<input type="checkbox"/> Exchange Reassignment (Ent only)	<input type="checkbox"/> Officer Candidate School	<input checked="" type="checkbox"/> Other (Specify)
<input type="checkbox"/> Airborne Training	<input type="checkbox"/> Asgmt of Pers with Exceptional Family Members	NAME CHANGE

9. SIGNATURE OF SOLDIER (When required) 10. DATE (YYYYMMDD)
 20140511

SECTION IV - REMARKS (Applies to Sections II, III, and V) (Continue on separate sheet)

1. LAW AR 600-8-14, SOLDIER REQUEST NAME CHANGE FROM EFFECTIVE DATE 23 APR 2014

Justification: Court order approving name change in Leavenworth County, KS

Current Name: Bradley Edward Manning

Request Change: Chelsea Elizabeth Manning

ENCLOS:

Court Decree stating name has been changed

SECTION V - CERTIFICATION/APPROVAL/DISAPPROVAL

7. I certify that the duty status change (Section II) or that the request for personnel action (Section III) contained herein:

☒ HAS BEEN VERIFIED ☐ RECOMMEND APPROVAL ☐ RECOMMEND DISAPPROVAL ☐ IS APPROVED ☐ IS DISAPPROVED

12. COMMANDER/AUTHORIZED REPRESENTATIVE

13. SIGNATURE

14. DATE (YYYYMMDD)

Andre D. Byrd, CPT, CDR

20140529

Def. App. Ex. C

Army Regulation 600-8-104

Personnel-General

Army Military Human Resource Records Management

**Headquarters
Department of the Army
Washington, DC
7 April 2014**

UNCLASSIFIED

Effective 7 May 2014

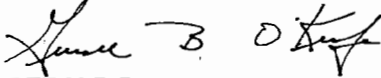
Personnel-General

Army Military Human Resource Records Management

By Order of the Secretary of the Army:

RAYMOND T. ODIERNO
General, United States Army
Chief of Staff

Official:



GERALD B. O'KEEFE
Administrative Assistant to the
Secretary of the Army

History. This publication is a major revision.

Summary. This regulation prescribes policies governing the Army Military Human Resource Records Management Program per DODI 1336.08.

Applicability. This regulation applies to the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated.

Proponent and exception authority.

The proponent of this regulation is the Deputy Chief of Staff, G-1. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25-30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11-2 and identifies key internal controls that must be evaluated (see appendix D).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from Commander, U.S. Army Human Resources Command (AHRC-PDR-R), 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5402.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commander, U.S. Army Human Resources Command (AHRC-PDR-R), 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5402.

Distribution. This regulation is available in electronic media only and is intended for command levels A and B for the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

Contents (Listed by paragraph and page number)

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Responsibilities • 1-4, page 1

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Army Military Human Resource Record purpose • 1-6, page 1

Official records custodian purpose • 1-7, page 1

Records manager purpose • 1-8, page 2

*This regulation supersedes AR 600-8-104, dated 2 August 2012.

Arlington, VA 22202-3531. See the ABCMR Web site at <http://arba.army.pentagon.mil/abcmr-overview.cfm> for filing instructions.

5-4. Name change or correction

A legal name change or correction will be requested on DA Form 4187 (Personnel Action) and signed by the company commander. The request is approved by the servicing MPD, brigade S1, or UA - Reserve personnel action center (USAR only). The approval authority will use the DA Form 4187 and source documents to prepare a legal name change approval memorandum.

a. Official source documents include appointment and enlistment documents, birth certificate, baptism certificate, naturalization certificate, marriage certificate, divorce decree, court order, social security card that contains name change, notarized copy of a public record, and/or statement by a proper public official to prove legal name change.

b. Once complete, the approval authority will Web upload the DA Form 4187 and approval memorandum to iPERMS. The approval authority is also responsible for ensuring that name change or correction is properly recorded in the prescribed HR system.

5-5. Record of birth change

A change to birth data (date or place of birth) will be requested on DA Form 4187 and signed by the company commander. The request is approved by the servicing MPD, brigade S1, or UA - Reserve personnel action center (USAR only). The servicing MPD, brigade S1, or UA - Reserve personnel action center (USAR only) will use the DA Form 4187 and source documents to prepare the approval/disapproval memorandum for necessary change.

a. Official source documents include birth certificate or authenticated copy that agrees in all respects with the data in the request.

b. If the name on the birth certificate does not agree with that shown on the request, the reason for the discrepancy must be included in the request. If no public record of birth exists, a statement (accompanied by an affidavit from physician or midwife in attendance at birth, passport, and authenticated copy of school record from the first school attended showing date of birth or age on admittance) from the proper public official is required.

c. Once complete, the approval authority will Web upload the approval memorandum to iPERMS. The approval authority is also responsible for ensuring that name change or correction is properly recorded in the prescribed HR system.

5-6. Citizenship

The process for becoming a United States citizen can be found on the HRC Web site at <https://www.hrc.army.mil/tagd/soldiers%20guide%20to%20citizenship> and on the United States Customs and Immigration Services Web site at <http://www.uscis.gov/portal/site/uscis>.

5-7. Statement of service

A statement of service letter for Soldiers currently serving in any component can be obtained through the servicing brigade or battalion S1, MPD, or UA - Reserve personnel action center (USAR only). A statement of service for retired or separated veterans can be obtained by submitting a Standard Form (SF) 180 (Request Pertaining to Military Records) to Commander, U.S. Human Resources Command (AHRC-PDR-H), Department 420, 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5402 or emailing to askhrc.army@us.army.mil.

5-8. Service computation

Also known as DA Form 1506 (Statement of Service - For Computation of Length of Service for Pay Purposes). Refer to AR 37-104-4 and the DOD Financial Management Regulation 7000.14-R (DODFMR) for rules guiding service computation.

a. DA Form 1506 is used to document a Servicemember's request for verification of military service and to adjust other military entry pay effective date(s). These dates include, but are not limited to, the basic active service date, pay entry basic date, and basic enlisted service date. The basic pay entry effective date will affect the rate and period of basic pay entitlement.

b. Official source documents include DA Form 71, active duty letter/order, appointment order, DD Form 4, Simultaneous Membership Program/ROTC contracts, DD Form 214, DD Form 215, DD Form 220, NGB Form 22, NGB Form 22a (Correction to NGB Form 22), NGB Form 23 (Chronological Statement of Retirement Points) (Inactive), NGB Form 23A (Army National Guard Current Annual Statement), NGB Form 23A1 (Army National Guard Retirement Points Statement Supplemental Detail Report), NGB Form 23C (Army National Guard Retirement Points Statement Application for Retired Pay), NGB Form 23D (Notification of Eligibility for Retired Pay for Non-Regular Service (20 years)), and/or other approved service documents. Contact the servicing MPD, brigade or battalion S1, UA - Reserve personnel action center (USAR only), or finance office for questions pertaining to approved source documents.

CERTIFICATE OF SERVICE

UNITED STATES v. Banner

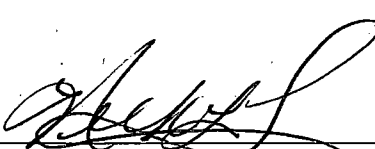
Army Docket No. 20130739

Brief on Behalf of
Appellant

Motion

Other

I certify that a copy of the foregoing was delivered to the Court
and the Government Appellate Division on 4 February 15.


MICHELLE L. WASHINGTON
Paralegal Specialist
Defense Appellate Division
(703) 693-0737