

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ARMED FORCES**

**UNITED STATES,**  
Appellee

v.

Sergeant (E-5)  
**ROBERT B. BERGDAHL,**  
United States Army,  
Appellant

APPELLEE’S MOTION TO FILE  
AMENDED ANSWER TO  
APPELLANT’S MOTION TO  
SUPPLEMENT THE RECORD

Crim. App. No. ARMY 20170582

USCA Dkt. No. 19-0406/AR

TO THE JUDGES OF THE UNITED STATES COURT OF APPEALS  
FOR THE ARMED FORCES

COME NOW the undersigned appellate government counsel and hereby requests that this accept the contemporaneously-filed Amended Answer to Appellant’s Motion to Supplement the Record.

**Procedural Posture and Facts**

This Court affirmed the judgment on August 27, 2019. *United States v. Bergdahl*, No. 19-0406, slip. op. (C.A.A.F. 2020). Appellant filed a petition for reconsideration on September 7, 2020; Appellee filed an answer to the petition on September 11, 2020; and Appellant filed a reply to Appellee’s answer to the petition on September 18, 2020.

Several minutes after Appellant filed his Reply, Appellant filed a Motion to Supplement the Record. Appellee filed an Answer to the Motion to Supplement

the Record on September 23, 2020 at 8:01 p.m., and this Court accepted the response this morning at 8:06 a.m.

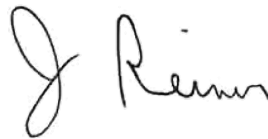
The Amended Answer, filed contemporaneously with this motion, corrects an error in the Answer filed last night concerning the timeliness of Appellant's reply to the petition for reconsideration.

### CONCLUSION

WHEREFORE, the United States prays that this Honorable Court grant Appellee leave to file an Amended Answer to Appellant's Motion to Supplement the Record.



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**Certificate of Compliance with Rule 37(a)**


This motion complies with the typeface and type style requirements of Rule 37(a).



ALLISON L. ROWLEY  
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CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was transmitted by electronic means to the court ([efiling@armfor.uscourts.gov](mailto:efiling@armfor.uscourts.gov)) and contemporaneously served electronically on appellate defense counsel, on September 24, 2020.

A handwritten signature in black ink, appearing to read "Daniel L. Mann", with a long horizontal flourish extending to the right.

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