

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CRIMINAL CASES**

Directions: Counsel must make a **docketing statement (criminal) filed** entry in CM/ECF within 14 days of filing a notice of appeal or cross appeal, or within the due date set by the clerk’s docketing notice, whichever is later. File with the entry the (1) docketing statement form and any extended answers, (2) any transcript order form, and (3) any CJA 24 authorization form. Counsel who filed the notice of appeal is responsible for filing the docketing statement even if different counsel will handle the appeal. In criminal cases, counsel who represented the defendant below must continue on appeal unless the court of appeals grants a motion to withdraw. Appellants proceeding pro se are not required to file a docketing statement. Opposing counsel may file objections to the docketing statement within 10 days of service using the entry **docketing statement objection/correction filed**.

Appeal No. & Caption	11-5028; United States v. Jeffrey Sterling
Originating No. & Caption	1:10-cr-00485-LMB-1; United States v. Jeffrey Sterling
District Court & Judge	U.S. District Court for the EDVA at Alexandria; Brinkema, L.M.

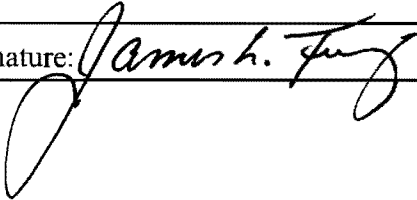
Jurisdiction (answer any that apply)	
Date of entry of order/judgment appealed from	7/29/11; 10/12/11; 10/14/11
Date this notice of appeal filed	10/19/11
If cross appeal, date first notice of appeal filed	
Date of filing any post-judgment motion	
Date order entered disposing of any post-judgment motion	
Date of filing any motion to extend appeal period	
Time for filing appeal extended to	
Is appeal from final order or judgment?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If appeal is not from final judgment, why is order appealable? Exclusion of evidence - 18 U.S.C. § 3731; CIPA - 18 U.S.C. Appendix 3, § 7	

Transcript (transcript order & CJA 24 must be attached if transcript not yet on file)		
Is transcript needed for this appeal?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
(For CJA counsel) Is CJA 24 attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Case Handling Requirements (answer any that apply)	
Case number of any prior appeal in same case	
Case number of any pending appeal in same case	
Identification of any case pending in this Court or Supreme Court raising similar issue	
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.
Is expedited disposition necessary?	<input checked="" type="radio"/> Yes <input type="radio"/> No
	If yes, motion to expedite must be filed.

Issues (Non-binding statement of issues to raise on appeal. Attach additional page if necessary.)
<p>(1) Whether the district court erred in finding that author James Risen was protected by a "reporter's privilege" and, therefore, could not be compelled to testify at trial as to the identity of persons who unlawfully communicated highly classified national defense information to Risen and as to other relevant matters regarding the receipt by Mr. Risen of that information;</p> <p>(2) Whether the district court erred in ordering the disclosure to the defendant and jury of classified information regarding the identity of certain government witnesses (CIPA issue); and</p> <p>(3) Whether the district court erred in striking the testimony of two government witnesses for the late pre-trial disclosure of potential impeachment information about these witnesses.</p>

Appellant's Name & Address	Counsel's Name & Address
Name: United States of America Address: United States Attorney's Office 2100 Jamieson Avenue Alexandria, VA 22314 E-Mail: Phone: 703-299-3700	Name: James L. Trump Address: United States Attorney's Office 2100 Jamieson Avenue Alexandria, VA 22314 E-Mail: jim.trump@usdoj.gov Phone: 703-299-3726

Certificate of Service: I certify that on <u>November 9, 2011</u> the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:	
Peter King Stackhouse Counsel for Intervenor James Risen 219 Lloyds Lane Alexandria, VA 22301-0000	
Signature: 	Date: November 9, 2011

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA)	No. 08-4002
)	
Plaintiff – Appellant)	(1:10-cr-00485-LMB-1)
)	
v.)	
)	
JEFFREY ALEXANDER STERLING)	
)	
Defendant – Appellee)	

SUPPLEMENT TO DOCKETING STATEMENT

The United States of America, by and through its attorneys, provides the following extended answer to the docketing statement filed November 9, 2011:

Transcript: There are several hearing transcripts applicable to this appeal. All have been prepared by the court reporters. Two of those transcripts (October 13 and 14, 2011) have not been filed with the district court because they are undergoing classification review. These transcripts will most likely be filed with the court within a few days.

Respectfully submitted,

NEIL H. MACBRIDE
UNITED STATES ATTORNEY

By: /s James L. Trump
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 9, 2011, the foregoing document was served on all parties or their counsel through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

Peter King Stackhouse
Counsel for Intervenor James Risen
219 Lloyds Lane
Alexandria, VA 22301-0000

/s James L. Trump
Assistant United States Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
(703) 299-3726