



UNITED STATES MARINE CORPS
OFFICE OF THE STAFF JUDGE ADVOCATE
DEFENSE SECTION
MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION
3700 CHOSIN AVENUE
SAN DIEGO, CALIFORNIA 92140-5197

IN REPLY REFER TO:
5801
15MAR11

From: Major Tom Chhabra XXX-XX-3380/7202 USMC
To: Convening Authority
Via: Defense Counsel

Subj: RECOMMENDATION FOR CLEMENCY ICO U.S. V. CAPT DOUGLAS WACKER, USMC,
XXX-XX-3913

Ref: (a) R.C.M. 1105(b)(2)(D)

1. This letter is written pursuant to the reference which specifically provides for clemency recommendations by members of a court martial to the convening authority via defense counsel.
2. On 11 March 2011, Captain Wacker was convicted by a General Court Martial for which I was a member of a single specification of conduct unbecoming of an officer for lying to a University of San Diego hearing board almost four years ago when he said that he had not had sex with a Ms. Jessica Brooder.
3. This same members' panel found Captain Wacker not guilty of the charge of sexual assault of Jessica Brooder and Elizabeth Easley and all other charges and specifications he was facing.
4. The panel awarded Captain Wacker no punishment and recommended that his court martial conviction be set aside.
5. After reviewing the evidence and listening to two weeks of testimony, the panel recommended that clemency should be granted for Captain Wacker due to the nature of the specification in which he was found guilty. His integrity violation is a serious matter, yet is not an offense suited for a felony conviction. The consequences of his actions can best be adjudicated at Nonjudicial Punishment where he be reprimanded by the Convening Authority. I recommend Captain Wacker be given a second chance in order to honorably conclude his career in the Marine Corps. These recommendations take into account the totality of the situation, the impact on good order and discipline, the fairness and proportionality with respect to the individual, and protect the integrity of the Marine Corps.
6. If required, I can be contacted at (760) 725-3820.


T. CHHABRA