

STATEMENT

Place : MWMM BLDG 7208 MCAS MIRAMAR SAN DIEGO, CA

Date : August 14, 2008

rb I, Rebecca Junay BARKER, make the following free and voluntary statement to Special Agent John BURGE whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the night of April 3-4, 2007, and personal information about Doug, Jessica, and Elizabeth prior to that night. rb

rb For identification purposes I am a white female, 4'11", 113 pounds, brown hair, and green eyes. My date of birth is January 14, 1985, my place of birth is Los Angeles, CA, and my social security number is 609-32-5775. My home address is 1205 Colusa Street #19, San Diego, CA 92110. I am currently a law clerk and I attend the University of San Diego School of Law. rb

rb On April 3, 2007, Jessica and Liz returned from working at their respective clinics sometime in the evening. I had not gone to work that day because I had gotten sick the night before. When they got back they told me they wanted to go running at Audobon Park. So Jessica, Liz, Doug and Forrest Merithew (I can't remember if there was anyone else) went running at Audobon Park. They came back and Jessica said she got cramps while running because she started her period. Meanwhile I had gotten dressed and about 7:30pm or 8pm we joined the rest of the people who had come to New Orleans from our school and we all walked to dinner at a restaurant somewhere between Bourbon Street and Jackson Square. rb

rb While at dinner Liz and Jessica had some wine. I didn't drink because I had gotten sick the night before. Doug got dessert and, because he didn't have his camera with him, took a picture of it with my camera. Afterward me, Liz, Jessica, Susan Minamizono, Bobby O'Brien, Doug and Forrest walked toward Bourbon Street. We stopped along the way for hurricanes (again, I didn't drink). We then walked toward Bourbon Street and up and down Bourbon Street for a while. Then we entered the Funky Pirate. While there Jessica ordered a gin and tonic and everyone took at least one shot because there was a shot special (I did not take a shot). We stayed at this bar for a little while (1/2 hour?). After that we went to Bourbon Street and Liz sat on the curb and Jessica called her boyfriend. During that time we just hung out and talked and Doug used my camera to take multiple pictures of Liz and Jessica (I subsequently deleted all but one of the pictures of Liz because I was uncomfortable with Doug taking pictures of Liz drunk, especially after he made comments such as "oh yeah, I like that one" while he showed them to Forest). Also during this time Doug kept joking that I should go see the live sex shows. I told him I would never see something like that and he later used my camera to take a picture of the live sex show sign and to take a picture of me and Forrest in front of the place where the show is held (I didn't know Forrest was going to grab me to take the picture). rb

rb Next we went into Razzoo's because I wanted to dance. At this point Liz was intoxicated. Jessica and I went to the bar and Jessica opened a tab. She ordered 2-3 gin and tonics even though I told her I didn't want one, so I just left mine on the table. No one drank it. Jessica also bought me a little shot from the girls that carry shots. I took the shot but it did not affect me at all. After that we started dancing. Me, Susan, Liz and Jessica danced together, Bobby sat above us and just watched and hung out and Doug and Forrest stood by us but didn't dance with us, they were more there to protect us. rb

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from other guys that might try to bother us. Jessica made comments about "girls only" and "no boys allowed." Us four girls danced together for a while – maybe 3 hours.

UB During this time it was apparent that Liz and Jessica were intoxicated. I had seen them both drunk before and they both get more outgoing and happy when they're drunk. Also, Liz tends to run off on her own if she feels something needs to be done when she's intoxicated. For example, that night she left twice: once to look for Forrest who had gone back to Funky Pirate to look for something and once to call someone. Both times we had to go get her to make sure she was ok. I cannot remember how much Liz and Jessica drank during this time. I can only recall seeing Liz have a gin and tonic in her hand. RB

RB After us girls had danced together for a while, things started to get strange in that both girls started acting differently. For example, Liz started dancing with Forrest. She only danced with him once but I had never seen her hardly even talk to any guys, let alone dance with them. Also, Jessica started getting very strange. Whereas before she had said "girls only" and "no boys allowed," never flirted or danced with guys other than her boyfriend, and only made comments about Doug that showed she had absolutely no romantic/sexual interest in Doug, toward the end of the night Jessica danced with Doug – their bodies touched and their legs were intertwined and they went back and forth and up and down slower than the rhythm of the music. They did this for a while and I was very surprised when I saw them because of the reasons I have already iterated. When I saw them dancing her eyes were closed and he was smiling. I also saw Jessica dance with a guy at one point and I stepped in and separated them because he was dirty and gross looking and because I had no idea who he was or what he was capable of doing. Again her eyes were closed and she dancing slower than the music was going (more swaying than dancing). Also at one point I looked up and saw that somehow Jessica had gotten on the stage and was dancing (not really dancing, swaying slower than the music with her eyes closed and a drink in her hand). I was surprised because we joked earlier about her going on stage but she said she never would. I had never seen her act this way while intoxicated. Her outgoing and bubbly persona is usually amplified, not dulled to where she closes her eyes and sways. RB

RB At about 2:00am I wanted to leave so I asked Forest to walk me, and whoever else wanted to leave, back to the hotel. He agreed. The entire group then gathered around the bar while Forest closed out his tab and decided who wanted to stay and who wanted to go. Liz and Jessica decided they wanted to stay and Doug said he would stay with them. Jessica stated she could barely see and then she threw up at the bar. Liz then took her to the bathroom. I told Doug to make sure Jessica closed out her bar tab and to make sure they all got back to the hotel safely. Doug looked me in the eye, repeated to me what I had instructed him to do, and assured me he would take care of everything. I left with Forrest and Susan. Susan asked me if the girls were going to be okay with Doug, especially given the way Doug was dancing with Jessica. I assured her that Jessica would never cheat on her boyfriend and, while it was a joke with everyone in school that Doug is creepy, Doug couldn't possibly do anything to hurt her. They were friends, we were friends, he knew her boyfriend very well, and he was a Marine. I fell asleep in my hotel room at around 2:45am. RB

RB At around 3:45am I was awakened by Liz coming in the hotel room. I initially thought Liz was laughing but then realized she was crying and on the phone with her boyfriend. She was telling him "I would never cheat on you" and "you're my one and only." I asked her what happened. She said she was in a hotel room and Doug was kissing her and she said she "couldn't do this" and ran out of the room, but that she couldn't remember anything else from the time I left the bar until the time she ran out of Doug's hotel room. She was also not being as coherent or alert as I knew her to be usually. I

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asked her where Jessica was and Liz said that Jessica was having sex with Doug in the room. I told Liz to go get Jessica right away. RB

RB A few minutes later Liz brought Jessica back to the room. Liz told me that when she went in the room Doug was naked on top of Jessica and Jessica was naked and that she pulled Jessica off the bed, put her clothes on her and pulled her out of the room. I tried to talk to Jessica but she was very upset, crying and wasn't making any sense. She was intent on calling her boyfriend and walked from the hotel room to the hallway. In the hallway, I convinced her to talk to me a little bit more before she called her boyfriend and to come back into the room with me. She stated that she couldn't go back into the room because there "are too many people in there." I told her that there was no one in the room, that is was our hotel room that she had just been in, and, after fighting with her about something that didn't make any sense, I was able to get Jessica back into the hotel room. Jessica continued to be very upset and cry and say the same things over and over. But our conversation didn't make any sense. Jessica also asked me if I had any "concerts." A few minutes later I realized she meant "pajamas." I found her pajamas and Liz helped her get them on. For the next two hours I tried to get Jessica to go to sleep but she wouldn't stop talking (saying the same non-sensical things), or crying. Liz tried to help too but Liz was obviously intoxicated and wasn't making much sense either. Finally, at or around 5:50am we all fell asleep. At or around 8:00am I woke up to get ready for our job and I asked Jessica if she was going to work with me. Both times she said "yes" but didn't move and fell back asleep. She seemed as intoxicated as she had the night before. In fact, since the moment I saw her dancing with Doug and on the stage, until the moment I left for work, she seemed to be at the same level of intoxication, never sobering up. And she seemed very intoxicated as well - not making sense when she spoke and swaying and closing her eyes. I've never seen anyone act like that, let alone Jessica, even when she's drunk. RB

RB Later that week, when Doug was intoxicated (I know because his eyes were glazed over, that's how he gets when he's drunk) he asked me if I was "mad at" him. I told him I didn't wish to speak to him. RB

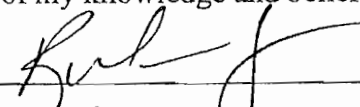
RB Before New Orleans I knew Doug pretty well. We were in the same section in law school so we had classes with each other five days a week, plus there were parties almost every weekend that we were both at. Additionally, me, Jessica, Liz, Doug, Chris Stokes, Todd Headden, Joe Gorman and some other people were on an intramural softball team together in the fall 2006 semester. RB

RB There was a joke around school that Doug was creepy. It was kind of like everyone knew it but no one thought he would really do anything inappropriate so it was funny. Early in the semester he, me, April Tatton, and Chris Blosser were eating lunch together and the conversation turned into one about sex (how many partners they've had, where they've done, what they did the last time, etc.). I thought it was weird and I said "is this something you guys normally sit around and talk about?" And Doug said "why, what's wrong with it?" Then, one day in December 2006, Doug had a party at his house after finals. Upon leaving with my friend Todd Headden, who was driving me home, we both said goodbye to Doug while he fondled a girl's breasts, right outside his apartment door in the middle of everyone at the party. Todd and I both shrugged it off as "creepy Doug." The joke was also amongst Joe Gorman and Chris Stokes. Chris Stokes made many jokes about this. Joe, during lunch one day, after Doug and Joe (and maybe Chris and Jessica) went Halloween costume shopping Joe told me, Liz and Jessica (and some others that were at lunch) that while shopping a "hot" girl walked by them. When Doug saw her he said "hey, did you see that hot girl" to Joe and Joe said "yeah" and Doug hit him and said "why didn't you tell me" and Joe told us that he thought that Doug's reaction was very weird and that Doug was creepy. Additionally, April Tatton told me that once she got drunk at Doug's

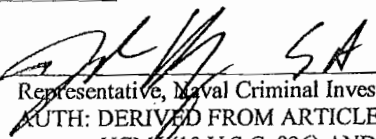
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house during a party and had to sleep on his couch because she was intoxicated. She said he knew that's why she was sleeping there and he still asked her multiple times to go into his bedroom. Also, Doug's ex-girlfriend Sarah told me Doug broke up with her because he wanted to date new/more girls. Before New Orleans I also knew Liz and Jessica very well. We were in the same section, played on the same intramural softball team and became friends shortly after beginning law school. At that time I had been with my boyfriend (now fiancé) for 5 years, Jessica with hers for 3 or 4 years and Liz with hers (now fiancé) for 2 or 3 years so we had a lot in common. We were all friends with everyone in our section and both girls were very nice, outgoing and hard working. They both excelled in classes and mock trial as well. RB

RB This statement, consisting of this page and 3 other page(s) was typed for me by myself as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. RB

Signature: 

Sworn to and subscribed before me this 14th day of August in the year 2008 at
Building 7208 MCAS Miramar, CA

Witnessed: _____
 SA
Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCM (10 U.S.C. 936) AND 5 U.S.C. 303