



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
15 MAR 11

From: Lieutenant Colonel Mitchell E. Cassell
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, Capt Wacker was convicted by a 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 Capt 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. As a consequence of his conviction on the one specification, specifically lying to a university panel looking into the allegations, the panel awarded Capt Wacker no punishment because other punishment options were deemed excessive given the underlying charge.

5. The members unanimously felt that Capt Wacker should be held accountable and disciplined for his failure of integrity, but not at the felony level. Therefore, the members felt that his felony court martial conviction should be set aside and that he be disciplined at general officer non-judicial punishment (NJP). The members also believe that, in addition to any punishment metered out at NJP, Capt Wacker should be required to submit a letter of apology to the University of San Diego for lying to the university's critical issues board.

6. Without doubt, Capt Wacker was guilty of the charged convicted. However, I personally do not believe his conviction should be a felony conviction, specifically because of the long term impact to his family's future.

7. If you have any questions, please contact me at (858) 577-1523. Thank you.

A handwritten signature in black ink, appearing to read "M. E. Cassell", is located at the bottom right of the page.

M. E. CASSELL