



OFFICE OF THE GENERAL COUNSEL  
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February 17, 2011

**VIA CERTIFIED MAIL**

Mr. Douglas Wacker  
c/o Capt. Christian Hur, HSJA  
3700 Chosin Ave. Bldg. 12, Room 18 MCRD  
San Diego, CA 92140

Re: United States vs. Captain Douglas S. Wacker, USMC

Dear Mr. Wacker:

We are in receipt of the enclosed subpoena which requires Merrick Marino to appear and testify as a witness at the trial in the above referenced matter on February 23<sup>rd</sup>, 2011.

The testimony of Mr. Marino will necessarily involve the discussion of records or recordings maintained by the University of San Diego that contain your statements or that otherwise relate to you.

If you choose to contest the subpoena, it is your responsibility to file an appropriate motion or other request to quash the subpoena or otherwise obtain protective relief pursuant to the applicable rules governing the court martial proceedings. The subpoena will be complied with as required, unless we receive a copy of the filed motion or other request, or unless we receive a written notice from the judge or attorney who issued the subpoena that the subpoena is being withdrawn or modified.

If you have any questions, please feel free to contact me.

Sincerely,

Jamie Cummins  
Executive Assistant  
University of San Diego

Enclosure(s)

**SUBPOENA**

From the President of the United States, to:

**Assistant Dean Merrick Marino  
C/O University of San Diego  
5998 Alcalá Park  
San Diego, CA 92110**

You are hereby summoned and required to appear at 1300 hours on the 23<sup>rd</sup> of February 2011, at the JBM Courtroom, Building 22161, Marine Corps Base Camp Pendleton, Camp Pendleton, California, for a General-Court Martial of the United States, convened by the Commanding General, Third Marine Aircraft Wing, by General Court-Martial convening order #1-09, dated 19 November 2009, to testify as a witness in a pre-trial hearing in the matter of UNITED STATES V. CAPTAIN DOUGLAS S. WACKER, USMC.

**Failure to appear is punishable by a fine or imprisonment, or both, at the court's discretion, pursuant to 10 U.S.C. 847. Failure to appear may also result in your being taken into custody and brought before the court-martial under a Warrant of Attachment (DD Form 454), per Manual for Courts-Martial R.C.M. 703(e)(2)(G).**

Subscribed at Marine Corps Air Station Miramar this 16<sup>th</sup> day of February 2011.



Evan S. Day  
Captain, U.S. Marine Corps  
Trial Counsel

Sign one copy of this subpoena and return the signed copy to the person serving the subpoena.

I hereby accept service of the subpoena.

\_\_\_\_\_  
*Signature of Witness*

*NOTE: If the witness does not sign, complete the following:*

Personally appeared before me, the undersigned authority, \_\_\_\_\_, who, being first duly sworn according to law, deposes and say that at \_\_\_\_\_, on \_\_\_\_\_, 20 \_\_, he or she personally delivered a duplicate of this subpoena to the witness in person.

\_\_\_\_\_  
*Grade*

\_\_\_\_\_  
*Signature*

Subscribed and sworn to before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
*Grade*

\_\_\_\_\_  
*Signature*