



UNITED STATES MARINE CORPS

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IN REPLY REFER TO:

5801

ERW

16 Mar 11

From: Major Eric R. Watson XXX XX 7590/7565 USMC
To: Convening Authority
Via: Defense Counsel

Subj: RECOMMENDATION FOR CLEMENCY ICO U.S. V. CAPTAIN DOUGLAS
WACKER XXX XX 3913/0602 USMC

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 court martial for which I was a member of a single specification of conduct unbecoming 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 all of the evidence and listening to two weeks of testimony, I personally believe that Captain Wacker should receive Commanding Generals Officer Hours. We found that he was not guilty of the more serious rape charge, and although he was found guilty of conduct unbecoming an officer for lying, I do not feel that charge warrants a felony conviction.

6. If you have any questions, please contact me at (760)725-4956. Thank you.

A handwritten signature in black ink, appearing to read "ERW", with a long horizontal line extending to the right.

E. R. WATSON