

IF CLASSIFIED SECNAVINST 5510.36 SERIES APPLIES.

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**From:** Supervisory Special Agent, NCISRA Miramar, CA

**To:** Trial Counsel, MCRD San Diego, CA (Attn: Capt LOGAN)

**Subj:** S/VEGA JR, NICOLAS/SSGT USMC/11MAR10-MWMM-0027-7EMA

**Encl:** SD County Sheriff's Department Crime Lab Results

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IF CLASSIFIED SECNAVINST 5510.36 SERIES APPLIES.

# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

31AUG10

COMMUNICATION OF A THREAT (II) CONTROL: 11MAR10-MWMM-0027-7EMA

S/VEGA JR, NICOLAS/SSGT USMC  
M/W/MEE6/T/594-26-4253/28FEB84/FLORIDA  
V/ORCUTT, DANA LEE/CIVILIAN  
F/W/USXX/N/620-42-6993/10AUG90/LOS ANGELES, CA

COMMAND/HQSVCBN, MCRD SAN DIEGO, CA /34001

MADE AT/MWMM/MIRAMAR CA/SEAN A. TEAGUE, SPECIAL AGENT

## REFERENCES

- (A) NCISRA Miramar, CA ROI(INTERIM)/04May10 (Contains Exhibits 1-11)
- (B) NCISRA Miramar, CA ROI(INTERIM)/01Jul10 (Contains Exhibits 12-27)
- (C) NCISRA Miramar, CA ROI(INTERIM)/23Jul10 (Contains Exhibits 28-35)

## EXHIBIT

- (36) Laboratory Service Report, San Diego County Sheriff's Department /21Aug10...(Copy All)

## EXECUTIVE SUMMARY

1. On 10Mar10, the Naval Criminal Investigative Service Resident Agency (NCISRA) Miramar, CA, received information from the Marine Corps Recruit Depot (MCRD) San Diego, CA, that V/ORCUTT reported her ex-boyfriend, S/VEGA, raped her, made multiple threats to kill her, physically assaulted her numerous times and took out an accidental death insurance policy in V/ORCUTT's name without her consent. In a victim interview, V/ORCUTT further disclosed S/VEGA raped her on 31Dec07 when she was passed out from drinking alcohol and posted nude pictures of her on the internet without her consent when she was seventeen years old. Investigation revealed the accidental death policy appeared to be initiated through the mail with V/ORCUTT's mother being the primary beneficiary. On 17Jun10, S/VEGA was interviewed, after the appropriate rights advisement and waiver of same, in which he admitted culpability in communicating a threat to V/ORCUTT, adultery with multiple women, taking sexually explicit pictures of V/ORCUTT when she was seventeen (17) years old and posting a portion of said pictures on the Internet and taking pictures while engaging in sexual acts with women with an infant in the background. Subsequent to the submission of Reference (B), additional witness interviews were conducted, a search of S/VEGA's residence was conducted pursuant to a CA Search Warrant and multiple items of potential evidentiary value were seized. S/VEGA is currently held in pre-trial confinement in the Naval Consolidated Brig aboard Marine Corps Air Station (MCAS) Miramar, CA. S/VEGA's Article 32 Hearing is scheduled for 28Jul10. On 31Aug10, the results of laboratory analysis was received from the San Diego County Sheriff's Department Regional Crime Laboratory, San Diego, CA. Investigation continues.

## NARRATIVE

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AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

SUBJ: S/VEGA JR, NICOLAS/SSGT USMC

**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

1. Investigation conducted pursuant to suspected violations of the Uniform Code of Military Justice (UCMJ) Articles 107 (False Official Statement), 120 (Rape) (Indecent Liberty with a Child) (Indecent Act), 123 (Forgery), 127 (Extortion), and 128 (Assault). In addition, S/VEGA is suspected of violating California Penal Code Section 311.11(a) (Possession of Child Pornography), 311.4(d) (1) (Employment or Use of Minor to Perform Prohibited Acts), 647 (k) (2) (Secretly Photographing Another), 261(a) (3) (Rape by Means of Intoxicating), 261.5(b) (Unlawful Sexual Intercourse with a Minor, Victim Under 18 Yrs and Suspect more than 3 Yrs Older than Victim).

2. On 31Aug10, the results of laboratory analysis was received from the San Diego County Sheriff's Department Regional Crime Laboratory, San Diego, CA. The report reflected there are indications S/VEGA authored the Monumental Life Insurance Company Enrollment Form previously submitted for analysis; however, the results were inconclusive. Additionally, S/VEGA's fingerprints were not discovered on the aforementioned form; Exhibit (36) pertains.

3. Captain Gavin LOGAN, Trial Counsel, MCRD San Diego, CA, was apprised of the status of this investigation. This investigation remains pending additional investigative endeavors.

DISTRIBUTION

NCISHQ: 0023B

INFO: MWPE/Trial Counsel (Attn: Capt LOGAN) (H)

CASE CONTROL :	MAIL :
TRANSMIT : 31Aug10	FAX :
INITIALS : <i>HL</i>	

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San Diego Sheriff's Department  
 REGIONAL CRIME LABORATORY  
 5255 Mt. Etna Dr. San Diego, CA 92117  
 (858) 467-4600



## LABORATORY SERVICE REPORT

REQUESTED BY:	FITZSIMMONS, R.	SDSO #:	10002439
AGENCY/DIVISION:	NCIS	AGENCY #:	
SUSPECT (S):	VEGA, NICHOLAS JR.	CRIME:	
VICTIM (S):		CRIME DATE:	02/2010

**SERVICE REQUESTED:** Forensic Document Examination

**EVIDENCE SUBMITTED:**

The evidence items listed were received in sealed packaging from the Sheriff's Property & Evidence Unit.

**QUESTIONED**

Item 2

Q1 Monumental Life Insurance Company Enrollment Form in the name of Dana L. Orcutt dated 02/02/10.

**SPECIMEN**

K1 Documents bearing known signatures and handwriting of Nicolas Vega, Jr.

Item 3

a. Sixteen handwriting exemplars dated 06/17/2010.

Item 4

b. Marine Corps Service Log of Nicolas Vega, Jr. containing miscellaneous documents.

**PURPOSE OF SUBMISSION:**

To determine if the K1 writer wrote the questioned signature in the name of Dana L. Orcutt and the questioned handwriting on Item Q1.

**RESULTS:**

1. There are indications that the K1 writer wrote the questioned signature in the name "Dana L. Orcutt" and the questioned entries on Item Q1. This means that there were some features in agreement and no fundamental differences between the questioned and known documents. However, it is a far from conclusive opinion.
2. Item Q1 was processed with an Electrostatic Detection Apparatus 2 (ESDA 2) for indented impressions of handwriting. Q1 was humidified for four minutes at 70% humidity, and then processed using the cascade technique. No evidentiary impressions were found.

*Handwritten signature*

*Handwritten signature*

*Handwritten initials*

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT  
REGIONAL CRIME LABORATORY  
CASE NUMBER - 10002439  
(continued)

EXAMINER'S NOTE:

Specimen signatures and handwriting of Dana L. Orcutt should be submitted for examination.

DISPOSITION OF EVIDENCE:

Items Q1 and K1 were sealed and returned to the Sheriff's Property & Evidence Unit.

The two derivative (negative) ESDA lifts from Item Q1 are maintained with the examiner's case notes.



Linton A. Mohammed  
Senior Forensic Document Examiner  
San Diego Sheriff's Department  
Regional Crime Laboratory  
08/19/2010

Technical Review	<u>Marie E. Durison</u>	Date	<u>8/20/10</u>
Administrative Review	<u>Martin' Lutz</u>	Date	<u>8/21/10</u>



# San Diego Sheriff's Department

REGIONAL CRIME LABORATORY  
5255 Mt. Etna Dr. San Diego, CA 92117  
(858) 467-4600



## LABORATORY SERVICE REPORT

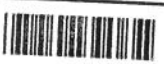
REQUESTED BY: R. Fitzsimmons #3383 SDSO #: 10002439  
 AGENCY/DIVISION: Naval Criminal Investigative Service AGENCY#: 11MAR10-MWMM-0027-7E MA  
 SUSPECT (S): Nicolas Vega, Jr. CRIME: 470 PC  
 VICTIM (S): Unknown CRIME DATE: Feb. 2010

**Print Analysis**

Prints not usable.

Prints usable for comparison and automated search.

Prints usable for comparison only.



**Results**

Subject(s) listed below were compared. No identifications were made.

Name: Nicolas Vega, Jr. DOB 02/28/1984  
 Name: \_\_\_\_\_ DOB \_\_\_\_\_  
 Name: \_\_\_\_\_ DOB \_\_\_\_\_  
 Name: \_\_\_\_\_ DOB \_\_\_\_\_

Automated print search completed with negative results.

Additional Information:  
 Prints of subject(s) needed for further comparison:

Name: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Name: \_\_\_\_\_

Item(s) Examined/Comments:

item #1 - two photocopies of the known print of Nicolas Vega, Jr. (DOB 02/28/1984)

Item #2 - one original document: Monument Life Insurance enrollment form

Item #2.01 - five photocopies of item #2 after ninhydrin

Item #6 - eight sheets of major case prints of Nicolas Vega, Jr.

The above items were examined. The latent print was registered in the unsolved latent print database.

All items in this case were returned to the Property and Evidence Unit.

All items in this case were returned to the Property and Evidence Unit, except for the following items which were retained:

Latent Print Examiner/Date: Diane Do Diane N. Do 8/25/10

Verifying Examiner/Date: Leah Hogue Leah Hogue 8/30/10

Admin Reviewer/Date: [Signature] #185 8/30/10