

NAVY-MARINE CORPS TRIAL JUDICIARY  
WESTERN JUDICIAL CIRCUIT

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U N I T E D S T A T E S	)	GENERAL COURT-MARTIAL
	)	
v.	)	
	)	NOTICE OF DISCLOSURE
WUTERICH, Frank D.	)	
XXX XX 3221	)	
Staff Sergeant	)	
U.S. Marine Corps	)	30 Dec 2011
	)	

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1. Nature of Notice.

Pursuant to the Supreme Court's ruling in *Giglio v. United States*, 405 U.S. 150 (1972), the Government provides the following disclosures to the Defense:

(1) On 22 December 2011, Mr. Andrew Wright stated that in 2006, subsequent to the return of 3rd Battalion, 1st Marines from its Iraq deployment, that Sergeant Sanick Dela Cruz struck him in the face with a closed fist and said words to the effect of, "if I ever see you on the street, I will kill you."

(2) Mr. Rene Rodriguez indicated to the Government during a telephonic interview on 27 December 2011 that he is receiving disability payments for PTSD.

(3) Mr. Andrew Wright has also indicated to the Government that he was diagnosed with PTSD and attempted suicide while in Iraq.

3. Discussion.

The Government provides notice of disclosure to Defense counsel pursuant to *Giglio v. United States* (405 U.S. 150 (1972)). In *Giglio*, the Supreme Court found that the prosecution's failure to disclose evidence affecting the credibility of a material witness justified a new trial under the Due Process Clause. See *id.* The Government does not concede that any of the disclosures contained within are in fact *Giglio* disclosures but is providing them in an abundance of caution.

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N. L. Gannon  
Major, U.S. Marine Corps  
Trial Counsel

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**Certificate of Service**

I hereby attest that a copy of the foregoing motion was served on the court and opposing counsel by electronic mail on 30 December 2011.

 30DEC2011

N. L. Gannon  
Major, U.S. Marine Corps  
Trial Counsel