

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

26JAN09

CONTROL: 12JUN08-MWMM-0025-8FMA

S/WACKER, DOUGLAS SCOTT/CAPT USMC
M/W/MOO3/I/538-08-9313/16JUN79/SEATTLE, WA

RESULTS OF COMMAND AUTHORIZATION FOR SEARCH AND SEIZURE

1. On 26Jan09, Reporting Agent (RA) went to Headquarters and Service Battalion, Marine Corps Recruit Depot San Diego, CA, to obtain a comparative sample of DNA from S/WACKER. The DNA sample was obtained pursuant to a signed Command Authorization for Search and Seizure (CASS) by Brigadier General Angela SALINAS, Enclosure (A) pertains.
2. A DNA sample was obtained with the use of an oral swab of the interior of S/WACKER's mouth. The DNA sample was collected, processed, and entered into the NCIS evidence storage and assigned Log #053-09.

ENCLOSURE(S)

(A) Five page CASS document issued to S/WACKER/26Jan09

REPORTED BY: JOHN R. BURGE
OFFICE: NCISRA MIRAMAR, CA

CASE CONTROL: _____	MAIL: _____
TRANSMIT: 20 Feb 09	FAX: _____
INITIALS: BT / DMK	_____

FOR OFFICIAL USE ONLY

Page 1 LAST PMK V2 LNY
BT ED MAIL

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS
UNLESS OTHERWISE SPECIFIED

EXHIBITS (69)

Command Authorization for Search and Seizure

UNITED STATES OF AMERICA
VS.
WACKER, DOUGLAS SCOTT, CAPT USMC

TO: Commanding Officer, Headquarters and Service Battalion

Affidavit(s) having been made before me by Special Agent John Roberts BURGE, NCIS

That there is reason to believe that on the person of and/or on the premises known as:
See Attachment A

which is/are under my jurisdiction,

there is now being concealed certain property, namely:
See Attachment B

I am satisfied that there is probable cause to believe that the property so described is being concealed on the person and/or premises above described and that grounds for application for issuance of a command authorized search exist as stated in the supporting affidavit(s).

YOU ARE HEREBY AUTHORIZED TO SEARCH the person and/or place named for the property specified and if the property is found there to seize it, leaving a copy of this authorization and receipt for the property taken. You will provide a signed receipt to this command, containing a full description of every item seized.

Any assistance desired in conducting this search will be furnished by this command.

Dated this 26th day of January, 2009.

A. Salinas

Signature of Person Authorizing Search
1LTEN USMC Commanding

Rank, Service, Title
MCRD SAN DIEGO, CA

Command

Attachment to Affidavit for Search Authorization

Statement of Probable Cause

Your Affiant says that the facts in support of the issuance of the Command Authorization for Search and Seizure are as follows:

1. I am a Special Agent with the Naval Criminal Investigative Service (NCIS) assigned to the NCIS Resident Agency aboard Marine Corps Air Station (MCAS) Miramar, CA. As a Special Agent, I am authorized to investigate violations of law of the United States. I am a sworn Federal Law Enforcement Officer with the authority to execute arrests and search warrants under the authority of the United States. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program and the NCIS Basic Agent Training Course. I am a graduate of the United States Border Patrol Academy, Charleston, SC. I have been employed as a sworn Federal Law Enforcement Officer for the past six years and seven months, where I have enforced laws pertaining to Title 8, Title 18, Title 21, and the Uniform Code of Military Justice. I am a graduate of Southeastern Oklahoma State University where I received my undergraduate degree in Criminal Justice.
2. On 16Jan09, Jessica Lee BROODER stated in a sworn statement, that on the night of 03-04Apr07, Elizabeth EASLEY told her she saw Captain (CAPT) WACKER lower his naked body on top of an unconscious BROODER in a hotel room in New Orleans, LA.
3. On 05Aug08, Elizabeth Marie EASLEY stated in a sworn statement, that on the night of 03-04Apr07, she saw CAPT WACKER lower his naked body on top of an unconscious BROODER in a hotel room in New Orleans, LA.
4. On 16Jan09, BROODER stated in her sworn statement, CAPT WACKER told her "nothing" happened on the night of 03-04Apr07 other than kissing. While in New Orleans, BROODER was on her period; and, at an airport on the way home to San Diego on 04Apr07, she went to change her tampon and it was pushed deep inside her vagina, indicating to her someone had had sex with her.
5. On 23Jan09, DNA testing results were sent from the United States Army Criminal Investigation Laboratory (USACIL). USACIL tested a pair of boxer shorts and a pair of jeans, sent by NCIS, that BROODER was wearing on the night of/and after the alleged assault on 03-04Apr07. USACIL indicated semen had been discovered on the boxer shorts and jeans. USACIL further stated the DNA profile taken from the semen belonged to an unknown male donor.
6. BROODER states she did not have sex with anyone either before or after the alleged assault by CAPT WACKER on 03-04Apr07. BROODER, realizing the potential evidentiary value of the undergarment, took them off and placed them aside until she surrendered the boxer shorts to New Orleans Police Department on 09Oct07.

7. Based on the foregoing facts, my knowledge and experience, I believe there exist probable cause items of evidentiary value are currently on the person of CAPT Douglas S. WACKER, which are relevant to the sexual assault. To wit: a representative sample of DNA which can be compared with the male DNA recovered from the undergarment worn by BROODER on the night of the alleged assault.

United States of America
VS.
WACKER, Douglas Scott, Captain USMC

ATTACHMENT (A)

PLACES TO BE SEARCHED:

LOCATION #1

The person of Captain Douglas Scott WACKER, namely the inside of his mouth on the interior of his cheek, with a cotton tipped swab, to obtain cells for DNA testing.

**United States of America
VS.
WACKER, Douglas Scott, Captain USMC**

ATTACHMENT (B)

ITEMS TO BE SEIZED:

Biological, cellular material, obtained with a cotton tipped swab, to be sent for DNA testing.