

INVESTIGATING OFFICER'S REPORT

(Of Charges Under Article 32, UCMJ and R.C.M. 405, Manual for Courts-Martial)

1a. FROM: (Name of Investigating Officer - Last, First, MI) SAYEGH, MICHAEL, E	b. GRADE LTCOL	c. ORGANIZATION HHS, MCAS YUMA, AZ	d. DATE OF REPORT 5 MAY 2010
2a. TO: (Name of Officer who directed the investigation - Last, First, MI) MGEN T. CONANT, USMC	b. TITLE COMMANDING GENERAL	c. ORGANIZATION 3D MARINE AIRCRAFT WING	
3a. NAME OF ACCUSED (Last, First, MI) DOUGLAS S. WACKER	b. GRADE CAPT	c. SSN XXXXX9313	d. ORGANIZATION MWHS-3, MCAS MIRAMAR
			e. DATE OF CHARGES 7 JAN 2010

(Check appropriate answer)		YES	NO
4. IN ACCORDANCE WITH ARTICLE 32, UCMJ, AND R.C.M. 405, MANUAL FOR COURTS-MARTIAL, I HAVE INVESTIGATED THE CHARGES APPENDED HERETO (Exhibit 1)		X	
5. THE ACCUSED WAS REPRESENTED BY COUNSEL (If not, see 9 below)		X	
6. COUNSEL WHO REPRESENTED THE ACCUSED WAS QUALIFIED UNDER R.C.M. 405(d) (2), 502(d)		X	
7a. NAME OF DEFENSE COUNSEL (Last, First, MI) FARAJ, HAYTHAM, J	b. GRADE ESQ	8a. NAME OF ASSISTANT DEFENSE COUNSEL (If any) HUR, C. P.	b. GRADE CAPT
c. ORGANIZATION (If appropriate) Puckett & Faraj PC		c. ORGANIZATION (If appropriate) DETAILED DEFENSE COUNSEL	
d. ADDRESS (If appropriate) 6200 Schaffer Road, Ste. 202 Dearborn, MI 48126		d. ADDRESS (If appropriate)	
9. (To be signed by accused if accused waives counsel. If accused does not sign, investigating officer will explain in detail in Item 21.)			
a. PLACE		b. DATE	

I HAVE BEEN INFORMED OF MY RIGHT TO BE REPRESENTED IN THIS INVESTIGATION BY COUNSEL, INCLUDING MY RIGHT TO CIVILIAN OR MILITARY COUNSEL OF MY CHOICE IF REASONABLY AVAILABLE. I WAIVE MY RIGHT TO COUNSEL IN THIS INVESTIGATION.

c. SIGNATURE OF ACCUSED			
10. AT THE BEGINNING OF THE INVESTIGATION I INFORMED THE ACCUSED OF: (Check appropriate answer)		YES	NO
a. THE CHARGE(S) UNDER INVESTIGATION		X	
b. THE IDENTITY OF THE ACCUSER		X	
c. THE RIGHT AGAINST SELF-INCRIMINATION UNDER ARTICLE 31		X	
d. THE PURPOSE OF THE INVESTIGATION		X	
e. THE RIGHT TO BE PRESENT THROUGHOUT THE TAKING OF EVIDENCE		X	
f. THE WITNESSES AND OTHER EVIDENCE KNOWN TO ME WHICH I EXPECTED TO PRESENT		X	
g. THE RIGHT TO CROSS-EXAMINE WITNESSES		X	
h. THE RIGHT TO HAVE AVAILABLE WITNESSES AND EVIDENCE PRESENTED		X	
i. THE RIGHT TO PRESENT ANYTHING IN DEFENSE, EXTENUATION, OR MITIGATION		X	
j. THE RIGHT TO MAKE A SWORN OR UNSWORN STATEMENT, ORALLY OR IN WRITING		X	
11a. THE ACCUSED AND ACCUSED'S COUNSEL WERE PRESENT THROUGHOUT THE PRESENTATION OF EVIDENCE (If the accused or counsel were absent during any part of the presentation of evidence, complete b below.)		X	
b. STATE THE CIRCUMSTANCES AND DESCRIBE THE PROCEEDINGS CONDUCTED IN THE ABSENCE OF ACCUSED OR COUNSEL			

NOTE: If additional space is required for any item, enter the additional material in Item 21 or on a separate sheet. Identify such material with the proper numerical and, if appropriate, lettered heading (Example: "7c."). Securely attach any additional sheets to the form and add a note in the appropriate item of the form: "See additional sheet."

12a. THE FOLLOWING WITNESSES TESTIFIED UNDER OATH: (Check appropriate answer)				
NAME (Last, First, MI)	GRADE (If any)	ORGANIZATION/ADDRESS (Whichever is appropriate)	YES	NO
Jessica Brooder			X	
Elizabeth Easley Cook			X	
Rebecca Barker Abdullah			X	
Nicole Cusack			X	
Amos Lowder			X	
Joseph Gorman			X	
b. THE SUBSTANCE OF THE TESTIMONY OF THESE WITNESSES HAS BEEN REDUCED TO WRITING AND IS ATTACHED.			X	
13a. THE FOLLOWING STATEMENTS, DOCUMENTS, OR MATTERS WERE CONSIDERED; THE ACCUSED WAS PERMITTED TO EXAMINE EACH.				
DESCRIPTION OF ITEM	LOCATION OF ORIGINAL (If not attached)			
SEE ATTACHED CONTINUATION SHEET			X	
b. EACH ITEM CONSIDERED, OR A COPY OR RECITAL OF THE SUBSTANCE OR NATURE THEREOF, IS ATTACHED			X	
14. THERE ARE GROUNDS TO BELIEVE THAT THE ACCUSED WAS NOT MENTALLY RESPONSIBLE FOR THE OFFENSE(S) OR NOT COMPETENT TO PARTICIPATE IN THE DEFENSE. (See R.C.M. 909, 916(k).)				X
15. THE DEFENSE DID REQUEST OBJECTIONS TO BE NOTED IN THIS REPORT (If Yes, specify in Item 21 below.)			X	
16. ALL ESSENTIAL WITNESSES WILL BE AVAILABLE IN THE EVENT OF TRIAL			X	
17. THE CHARGES AND SPECIFICATIONS ARE IN PROPER FORM			X	
18. REASONABLE GROUNDS EXIST TO BELIEVE THAT THE ACCUSED COMMITTED THE OFFENSE(S) ALLEGED			X	
19. I AM NOT AWARE OF ANY GROUNDS WHICH WOULD DISQUALIFY ME FROM ACTING AS INVESTIGATING OFFICER. (See R.C.M. 405(d) (1).)			X	
20. I RECOMMEND:				
a. TRIAL BY <input type="checkbox"/> SUMMARY <input type="checkbox"/> SPECIAL <input checked="" type="checkbox"/> GENERAL COURT-MARTIAL				
b. <input type="checkbox"/> OTHER (Specify in Item 21 below)				
21. REMARKS (Include, as necessary, explanation for any delays in the investigation, and explanation for any "no" answers above.)				
All delay is excludable - see IE Exhibits (3) and (4).				
Block 13a - The following exhibits were not reviewed or considered by the IO due to lack of relevancy: IE25, IE27, IE28, IE33, IE34, IE35, IE37, IE38, IE39, IE40, IE52 (Only the IOs summary of testimony was considered).				
Block 14: In response to the Investigating Officer's question, Defense Counsel raised no issue during the hearing concerning either the Accused's mental responsibility at the time of the alleged commission of the offenses charged or the Accused's competency to participate in his own defense.				
SEE ATTACHED CONTINUATION SHEET FOR SUMMARY OF WITNESS TESTIMONY, ANALYSIS OF THE EVIDENCE, ANALYSIS OF THE CHARGES, AND OTHER RELEVANT LEGAL ISSUES				
22a. TYPED NAME OF INVESTIGATING OFFICER		b. GRADE	c. ORGANIZATION	
MICHAEL E. SAYEGH		0-5	HHS, MCAS, YUMA	
d. SIGNATURE OF INVESTIGATING OFFICER			e. DATE	
<i>Michael E Sayegh</i>			5 MAY 2010	