

CONFINEMENT ORDER

1. PERSON TO BE CONFINED			2. DATE (YYYYMMDD)
a. NAME (Last, First, Middle) VEGA JR., NICHOLAS		b. SSN 594-26-4253	20100617
c. BRANCH OF SERVICE USMC	d. GRADE E-6/SSGT	e. MILITARY ORGANIZATION (From): SVCO, HQSVCBN, MCRD, SAN DIEGO, CA	

TYPE OF CONFINEMENT

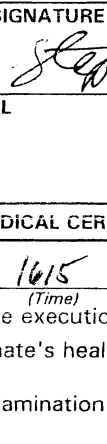
3.a. PRE-TRIAL	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	b. RESULT OF NJP	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
c. RESULT OF COURT MARTIAL: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES					
TYPE: <input type="checkbox"/> SCM <input type="checkbox"/> SPCM <input type="checkbox"/> GCM <input type="checkbox"/> VACATED SUSPENSION					
d. DNA PROCESSING <input type="checkbox"/> IS <input checked="" type="checkbox"/> IS NOT REQUIRED UNDER 10 U.S.C. 1565.					

4. OFFENSES/CHARGES OF UCMJ ARTICLES VIOLATED:
 92- FAILURE TO OBEY ORDER OR REGULATION, 107-FALSE OFFICIAL STATEMENT, 120-RAPE/INDICENT ACTS, 123-FORGERY, 128- ASSUALT, 134-ADULTERY, 134- COMMUNICATING THREATS

5. SENTENCE ADJUDGED:	b. ADJUDGED DATE (YYYYMMDD):
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6. IF THE SENTENCE IS DEFERRED, THE DATE DEFERMENT IS TERMINATED:

7. PERSON DIRECTING CONFINEMENT

a. TYPED NAME, GRADE AND TITLE: S. C. SMITH, COLONEL, COMMANDING OFFICER	b. SIGNATURE 	c. DATE (YYYYMMDD) 20100617	d. TIME 1430
8.a. NAME, GRADE, TITLE OF LEGAL REVIEW AND APPROVAL	b. SIGNATURE:	c. DATE (YYYYMMDD)	

MEDICAL CERTIFICATE

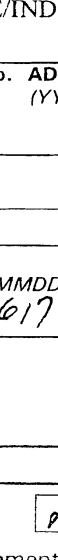
9a. The above named inmate was examined by me at 1615 on 20100617 and found to be Fit Unfit for confinement. I certify that from this examination the execution of the foregoing sentence to confinement will will not produce serious injury to the inmate's health.

b. The following irregularities were noted during the examination (If none, so state):

c. HIV Test administered on (YYYYMMDD): N/A need to return for HIV DRAW

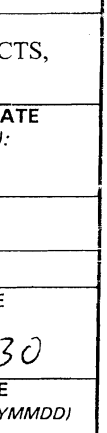
d. Pregnancy test administered on (YYYYMMDD): N/A

10. EXAMINER

a. TYPED NAME, GRADE AND TITLE: HM3 PIEDRAHITA, Steven	b. SIGNATURE 	c. DATE (YYYYMMDD) 20100617	d. TIME 1640
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RECEIPT FOR INMATE

11.a. THE INMATE NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT: NCBM (Facility Name and Location)
 ON 20100617 AND TIME: 2008 (Time)

b. PERSON RECEIPTING FOR INMATE TYPED NAME, GRADE AND TITLE: MMC DELGADO	c. SIGNATURE: 	d. DATE (YYYYMMDD) 20100617	e. TIME 2008
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UNITED STATES MARINE CORPS
HEADQUARTERS AND SERVICE BATTALION
3800 BELLEAU AVENUE
SAN DIEGO, CALIFORNIA 92140-5191

IN REPLY REFER TO
5800
S-1

JUN 21 2010

From: Commanding Officer
To: Initial Review Officer, Naval Consolidated Brig Miramar
Subj: PRETRIAL CONFINEMENT IN CASE OF STAFF SERGEANT NICOLAS
VEGA JR. 4253/0659 USMC
Ref: (a) R.C.M. 305, MCM
(b) SECNAVINST 1640.10

1. In accordance with the references, the following information is provided for the purpose of conducting a hearing into the pretrial confinement of Staff Sergeant Nicolas Vega Jr.

a. Hour, date, and place of confinement: 1640, 17 June 2010, Marine Corps Consolidated Brig, Miramar, California.

b. Offenses charged: The accused has not yet been formally charged since the misconduct only recently came to light. There is an ongoing investigation and it is anticipated that the accused will be charged with the following offenses:

Charge I: VIOLATION OF THE UCMJ, ARTICLE 92:

Specification: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, on divers occasions, from on or about January 2009, to on about December 2009, violate a lawful general regulation, to wit: Department of Defense 5500.7-R (Joint Ethics Regulation) (JER), change 2, section 2-301, dated 25 March 1996, by wrongfully using a Federal Government Communication system and equipment, to wit: a government owned computer with internet access for other than official and authorized purposes, to wit: to view, download, copy and store pornographic images.

Charge II: VIOLATION OF THE UCMJ, ARTICLE 107:

Specification: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, with the intent to deceive, to wit: failed to report a previous conviction he received while applying for a Top Secret clearance on or about 6 March 2008, which was his duty, and was then known by Staff Sergeant Vega to be so false.

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Charge III: VIOLATION OF THE UCMJ, ARTICLE 120

Specification 1: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Jacinto, California, on or about 31 December 2007, cause Ms. Dana L. Orcutt to engage in a sexual act to wit: forced intercourse while she was intoxicated and unconscious.

Specification 2: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Jacinto and San Diego, California, on or between May 2008 to July 2008 engage in indecent conduct in the physical presence of a female infant under the age of 16 years of age, by exposing one's private parts, to wit: his penis, with the intent to arouse his sexual desire.

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 123

Specification 1: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, 2 February 2010, with intent to defraud, falsely make the signature of Ms. Dana L. Orcutt, to wit: signed her name on an Accidental Death Insurance policy.

CHARGE V: VIOLATION OF THE UCMJ, ARTICLE 128

Specification 1: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, on or about 10 May 2008, unlawfully caused bodily harm to Ms. Dana L. Orcutt, to wit: threw a combat boot that caused bruises and a welt.

Specification 2: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, on or about April 2009, unlawfully caused bodily harm to Ms. Dana L. Orcutt, to wit: pushing and pulling her hair and dragging her across the kitchen floor.

Specification 3: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, on or about April 2009, unlawfully caused bodily harm to Ms. Dana L. Orcutt, to wit: choked her until she was rendered unconscious.

Specification 4: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, on diverse occasion in 2009, unlawfully caused bodily harm to Ms. Dana L. Orcutt, to wit: struck Ms. Dana L. Orcutt in the mouth causing a busted lip, smashing her head against the medicine cabinet and struck her in the face giving her a black eye.

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CHARGE VI: VIOLATION OF THE UCMJ, ARTICLE 134
(Adultery)

Specification 1: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, a married man, did, at or near San Jacinto and San Diego, California, on diverse occasions between November 2007 to January 2010, wrongfully have sexual intercourse with women not his wife.

CHARGE VII: VIOLATION OF THE UCMJ, ARTICLE 134
(Child Pornography Assimilated)

Specification 1: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Jacinto and San Diego, California, between May 2008 to July 2008, wrongfully posting pictures of a 17 year old minor on the internet.

CHARGE VIII: VIOLATION OF THE UCMJ, ARTICLE 134
(Communicating Threats)

Specification 1: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, on or about April 2009, wrongfully communicated to Ms. Dana L. Orcutt a threat to wit: "I'm going to kill you now Bitch," or words to that effect, after shoving Ms. Dana L. Orcutt to the ground.

Specification 2: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, on or about April 2009, wrongfully communicated to Ms. Dana L. Orcutt a threat to wit: Pointed a loaded 9mm weapon to Ms. Dana L. Orcutt's face and ordered her to kill herself in five seconds, if not he would blow her brains out.

Specification 3: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, on or about 24-28 November 2009, wrongfully communicated to Ms. Dana L. Orcutt a threat to wit: "If they find out that I actually slept with her, I'm going to kill you, you cunt!" or words to that effect.

Specification 4: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, on or about 1 December 2009, wrongfully communicated to Ms. Dana L. Orcutt a threat to wit: Staff Sergeant Vega called Ms. Dana L. Orcutt and stated that he knew she spoke to his command and that he was going to kill her the next time he saw her.

Specification 4: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, on or about 23-31 December 2009, wrongfully communicated to Ms. Dana L. Orcutt a threat to wit: Staff Sergeant Vega called Ms.

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VEGA JR. 4253/0659 USMC

Dana L. Orcutt, threatening her with several statements, "I'm going to kill you, you stupid Bitch," "If my car didn't mean so much to me, I would put you in the trunk and drive it into a lake", "If he knew that you family wasn't so psycho like you, I would slit your throat", "If I can't have you, no one can, and I'll be sure of it", "There's ways I could make your body disappear and no one would know", "The military trained me how to kill you, and get rid of bodies that don't mean nothing to me", "They ain't got nothing on me, they will just bust me down to Sgt" or words to that effect.

c. General circumstances:

(1) Staff Sergeant Vega is currently confined at the Naval Consolidated Brig Miramar, aboard MCAS Miramar. Confinement is necessary because it is reasonably foreseeable that Staff Sergeant Vega will continue to engage in further serious criminal misconduct that will have a negative impact on the morale, discipline, and readiness of the command. On 17 June 2010, Staff Sergeant Vega admitted engaging in past physical acts of violence against Ms. Dana L. Orcutt. Further, I believe that Staff Sergeant Vega is serious in his threats to kill Ms. Dana L. Orcutt.

2. Extenuating and mitigating circumstances:

(a) In making my decision, I considered the weight of evidence against the accused, the nature and circumstances of the alleged offenses, and the character/mental stability of the accused as suggested by RCM 305 (h)(2)(B). In order to maintain the good order and discipline of the command, Staff Sergeant Vega must remain confined so that he does not have the opportunity to contact, intimidate, harm, or otherwise interact with Ms. Dana L. Orcutt or other individuals who have alleged misconduct on his behalf. Staff Sergeant Vega is from Miami, Florida and has no ties to the local community. It is my belief that a lesser form of pretrial restraint is inadequate and continued pretrial confinement is necessary to ensure his presence at trial.


S. C. SMITH