

**WESTERN JUDICIAL CIRCUIT
NAVY-MARINE CORPS TRIAL JUDICIARY**

UNITED STATES)	
)	SPECIAL COURT-MARTIAL
v.)	
)	GOVERNMENT RESPONSE TO
VEGA, Nicolas)	DEFENSE MRE 404(b) SUPPRESSION
Staff Sergeant)	MOTION
U.S. Marine Corps)	
XXX XX 4253)	(8 Nov 10)
)	

1. **Nature of Motion.** The Government submits the instant motion in response to the Defense motion to preclude the Government from mentioning the term “bubblegum” or the alleged “bubblegum incident.”

2. **Summary of Facts.**

a. On 24 August 2010, in an Article 32 hearing, testimony was given alleging SSgt Vega exposed himself to several children. SSgt Vega allegedly referred to his scrotum as “bubblegum” and showed his scrotum to these children.

b. SSgt Vega is not charged at this Court-Martial with indecent exposure or indecent liberty with a child.

3. **Burden of Persuasion.** The Defense bears the burden of persuasion on this motion. The burden of proof is preponderance of the evidence. RCM 905(c)(1).


4. **Discussion.** The alleged conduct described in the Defense motion is not charged at this Court-Martial. The Government agrees with the logic in the Defense motion. Reference to the “bubblegum” incidents is irrelevant to the charges before this Court. The Government has no

intention of mentioning the alleged conduct in this motion until such time as the Defense opens the door to its relevance.

5. **Relief Requested.** None.

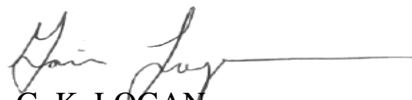
6. **Evidence.** None.

7. **Oral Argument.** The Government does not request oral argument.


G. K. LOGAN
Capt, USMC
Trial Counsel

CERTIFICATE OF SERVICE

A true copy of this response was served upon the Defense on this date: 8 Nov 2010.

A handwritten signature in cursive script, appearing to read "G. K. Logan", followed by a horizontal line extending to the right.

G. K. LOGAN
Capt, USMC
Trial Counsel