



**UNITED STATES MARINE CORPS**  
OFFICE OF THE STAFF JUDGE ADVOCATE  
DEFENSE SECTION  
MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION  
3700 CHOSIN AVENUE  
SAN DIEGO, CALIFORNIA 92140-5197

IN REPLY REFER TO:  
5801  
15MAR11

From: C. J. USREY, Major, USMC  
To: Convening Authority  
Via: Defense Counsel

Subj: RECOMMENDATION FOR CLEMENCY ICO U.S. V. CAPT DOUGLAS WACKER,  
USMC, XXX-XX-3913

Ref: (a) R.C.M. 1105(b)(2)(D)

1. This letter is written pursuant to the reference which specifically provides for clemency recommendations by members of a court martial to the convening authority via defense counsel.
2. On 11 March 2011, Capt Wacker was convicted by a court martial for which I was a member, of a single specification of conduct unbecoming of an officer for lying to the University of San Diego's critical issues board almost four years ago, when he said that he had not had sex with a Ms. Jessica Brooder.
3. This same members' panel found Capt Wacker not guilty of the charge of sexual assault of Jessica Brooder and Elizabeth Easley and all other charges and specifications he was facing.
4. The panel awarded Capt Wacker no punishment and recommended that his court martial conviction be set aside.
5. After reviewing all of the evidence and listening to two weeks of testimony, it is my recommendation that clemency is granted and that Non-Judicial Punishment (NJP) be awarded. I further recommended that Capt Wacker receive an official reprimand and that a formal written apology be delivered to the board which he gave a false official statement. I believe that rather than having a felony conviction affixed to his future, the recommended clemency and NJP would be a more commensurate punishment, given the charge he was convicted of.
6. If you require any additional comments or clarifying information, please contact me at (858) 577-5152. Thank you.

  
C. J. USREY