

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

UNITED STATES	)	GENERAL COURT-MARTIAL
	)	
v.	)	
	)	DEFENSE WITNESS REQUEST
DOUGLAS WACKER	)	
CAPTAIN	)	
U.S. Marine Corps	)	
	)	7 FEBRUARY 2011
	)	

On 18 June 2010 and then on 23 August 2010; the defense provided a witness list and supplemented witness list to the trial counsel for those witnesses it wanted produced in this case at trial.

This list is a supplement to those two previous defense witness requests. This request is subject to further modification and update. In the event the Government declines to produce these witnesses, the Defense requests that the Government at least waive any objection as to these witnesses testifying via VTC or telephone.

All Government identified witnesses on its own trial list are requested to be present for the defense case in chief and any sentencing trial.

Name: Ty Angeron

Contact: 5048810115. New Orleans, LA.

Subject: Old St Royal Charles Manager. Familiar with hotel's layout and check in policies for intoxicated persons during April 2007. Also familiar with lobby area of hotel, layout of rooms at the hotel and elevator.

Name: Tara Marie Auguilar

Contact: 2400 5th Avenue, #335, San Diego, CA 92101

Subject: During law school this witness was friends of Easley and Brooder. She heard their version of events which may be impeached during trial.

Name: Maj Chris Blalock

Contact: (619) 524-8789. MCRD, San Diego, CA.

Subject: Good character witness for Capt Wacker. Knows of Capt Wacker's work post preferral while at MCRD. Also aware that Wacker was assigned to conduct a base exercise involving a terrorism threat and he performed well under pressure.

Name: Capt Chris Blosser

Contact: 3 MLG, Okinawa, Japan

Subject: Has been friends with Wacker for several years. Has been to social functions with Wacker and knows Wacker's GMC. Also aware of investigation into the facts of this case.

Name: Desiree Bobbie

Contact: (619) 524-8789. MCRD, San Diego.

Subject: Good character witness for Capt Wacker. Knows of Capt Wacker's work post preferral while at MCRD. Also aware of interactions with Capt Wacker and his superiors post preferral of charges.

Name: Maj Armando Budumo

Contact: 3<sup>rd</sup> MAW, MCAS Miramar

Subject: Knows of Wacker's GMC. Also aware of investigation into incident while Wacker was at MCRD. Also RS of Wacker during law school.

Name: Maj Rob Bueno, USMC.

Contact: MARCENT, Afghanistan

Subject: Knows of investigation into the case in 2008 and 2009 and statements of various witnesses. Also aware of Capt Wacker's work in the G3 at MCRD post preferral.

Name: Rhett Buttle

Contact: In USD's or NCIS's possession

Subject: Was a student at USD who sat on the Critical Issues Board and heard testimony from Wacker and the two accusers. He can discuss what each witness said for impeachment purposes he is also aware of evidence in this case.

Name: Cory Christianson

Contact Info: Seattle, WA. (206) 769-5637

Subject: This witness is relevant and necessary because he would offer good character testimony in support of the Accused's reputation for peacefulness and honesty. The accused attended elementary through high school with the Accused. He has been to many social functions with Wacker and has seen Wacker behave around women and alcohol on many occasions.

Name: Col Christopher Conlin

Contact: MCRD San Diego, CA

Subject: RO of Capt Wacker in the G3 at MCRD San Diego. Wrote a good fitness report for Capt Wacker and comments regarding his GMC. Also aware of Wacker's participation in a very important base exercise after charges had been preferred.

Name: Pam Fortner

Contact: The Funky Pirate, 727 Bourbon Street, New Orleans, LA

Subject: As the owner of one of the few establishments visited by Wacker and the two accusers hours before the incident, this witness can discuss the lack of date rape drugs in the drinks at the Funky Pirate. She can also discuss walking distances around the Bourbon street area. She can also discuss the video cameras that are present in the area.

Name: Captain Nicolas Grey. Not designated a witness yet, the choice of designation will occur at the close of the Government's case based on the evidence.

Contact: MCRD, San Diego

Subject: Conducted site visits in this case as a fact witness.

Name: Omaar Hernandez, Capt, USMC

Contact Info: 13th MEU, [omaarh@hotmail.com](mailto:omaarh@hotmail.com), (760) 207-0054

Subject: This witness is relevant and necessary because he would offer good military character testimony in support of the Accused's reputation for peacefulness and honesty. He was the Accused's roommate at TBS. He was a pilot with the squadron attached to the 13th MEU. The two have been friends and have stayed in touch since 2001.

Name: CAPT William Leininger. Not designated a witness yet, the choice of designation will occur at the close of the Government's case based on the evidence.

Contact: Leininger, William M CAPT [[William.Leininger@med.navy.mil](mailto:William.Leininger@med.navy.mil)]. Ob/Gyn Residency Program Director, NMCSD, Dept Ph: 619-532-7004, Dept Fax: 619-532-6587

Subject: Will testify that a tampon migrates up the vaginal canal in the absence of intercourse, sometimes for no reason at all and sometimes for some other body reason. That a tampon is inserted deeply into the vaginal canal does not mean that sex occurred.

Name: Dr. Aaron Jacobs. Not designated a witness yet, the choice of designation will occur at the close of the Government's case based on the evidence.

Contact: [<mailto:Aaron.Jacobs@brooks.af.mil>]

Subject: Effect of alcohol on individuals, specifically the accused and the two accusers in this case.

Name: Eric Johnson

Contact: Razzoo, 504-522-5105, [eric@razzoo.com](mailto:eric@razzoo.com)

Subject: Manger of Razzoo's, one of the clubs Wacker and the accusers were at the night of the incident. His testimony would be helpful for the members to here what sort of establishment Razzoo is, whether date rape drugs are used there, the walking distance of this establishment to other places, cameras in the area and police presence or security at the establishment and outside area.

Name: Ken Lee, MAJ, USMC

Contact Info: 13th MEU, [kenneth.lee1971@gmail.com](mailto:kenneth.lee1971@gmail.com), (858) 245-2232

Subject: This witness is relevant and necessary because he would offer good military character testimony in support of the Accused's reputation for peacefulness and honesty. The witness was the Deputy SJA for the 13th MEU. The Accused had a lot of interaction with him and the other officers of the command element both professionally and socially. The Accused and the witness frequently discussed law school and the legal profession. He was one of the Accused's close friends and mentors at the MEU.

Name: Kelly Lowry

Contact Info: [kelly\\_lowry@hotmail.com](mailto:kelly_lowry@hotmail.com), (951) 454-3740

Subject: This witness is relevant and necessary because they would offer good military character testimony in support of the Accused's reputation for peacefulness and honesty. The witness is a past roommate of the Accused and is also a fact witness that has seen the accused around women and alcohol. The witness was Wacker's Roommate, 2000-01 and 2004-2010. The witness is a special education teacher at Mission Bay High School and is also a Captain in the Army National Guard.

Name: Lt. Q Kawahara

Contact: USD Police Department, San Diego, CA

Subject: This officer investigated the case in San Diego and interviewed all pertinent witnesses including the accusers. He is a fact witness that can impeach other witnesses at trial.

Name: Thomas McCann, LtCol

Contact Info: RTR, MCRD, San Diego, CA

Subject: This witness is relevant and necessary because he would offer good military character testimony in support of the Accused's reputation for peacefulness and honesty. This witness was the Deputy SJA for 3d MAW under Col Ary when the Accused worked at the MCAS Miramar Joint Law Center. The witness attended USD Law on the SEP Law Program for International Law during the Accused's 2L year. The witness and the Accused had a lot of interaction at school and the witness continued to be a mentor for the Accused.

Name: Elizabeth Jo McShan

Contact: 4530 Noyes Street, San Diego, CA 92109, 214797883

Subject: Has known Capt Wacker for years. Was friends with him during law school. Has seen Capt Wacker around women and alcohol before. Believes Wacker is a good person.

Name: Jenny Meeker

Contact Info: [jlmeecker@gmail.com](mailto:jlmeecker@gmail.com), (619) 884-7106

Subject: This witness is relevant and necessary because she would offer good character testimony in support of the Accused's reputation for peacefulness and honesty. She was a friend of the Accused and a graduate of USD. She was the Accused's TA for Lawyering Skills I along with Carolina Bravo-Karimi.

Name: Jiemar Patacsil, Capt, USMC

Contact Info: G Btry, 2/11, [patacsilusmc@gmail.com](mailto:patacsilusmc@gmail.com)

Subject: This witness is relevant and necessary because he would offer good military character testimony in support of the Accused's reputation for peacefulness and honesty. The witness was an enlisted Marine with the Accused at 4th LAAD Bn in the Marine Corps Reserve. He was a Sgt, the Accused was a Cpl, but because the Accused was commissioned first, he was the Accused's first salute. The Accused and the witness went to TBS together and the Accused has been friends with him and his wife, Jennie, since 1998. The Accused is their son's godfather.

Name: Michelle Reuter, General Manager

Contact: Royal St. Charles Hotel, 135 St. Charles Avenue New Orleans, LA 70130

Phone: 5045873700

Subject: General Manager of the Royal St. Charles Hotel. Familiar with hotel's layout, check in policies, presence or lack thereof of video surveillance in the lobby and throughout the hotel.

Name: Lovette Robinson

[Lovetterobinson@gmail.com](mailto:Lovetterobinson@gmail.com)

[Lovette.Robinson@dia.mil](mailto:Lovette.Robinson@dia.mil)

BSN, MFS, SANE-A, CFN, CMI-II

Sexual Assault Response Coordinator

Contact: Office: 202-231-5734

Pager: 888-209-7272

Fax : 202-231-3576

E2-239C

Subject: SANE. Can testify about indicators of a rape victim, how rape victims behave, symptoms of being raped and importance of conducting a SART exam and what a SART exam could show if done.

Name: Tracie Rosado

Contact: In the possession of the defense.

Subject: (Capt Wacker's sister) GMC for the accused and sentencing witness

Name: Dr. Norah Rudin. Not designated a witness yet, the choice of designation will occur at the close of the Government's case based on the evidence.

Contact: [norah@forensicdna.com](mailto:norah@forensicdna.com)

Main: 650 605-3411

650 Castro St., Ste. 120-404, Mountain View, CA 94041 <http://www.forensicdna.com>

<http://www.forensicdna.com/Bookstore/index.html>

Subject: Analysis of DNA evidence in this case.

Name: Kristen Santerre

Contact Info: [kristensanterre@gmail.com](mailto:kristensanterre@gmail.com) (858) 245-2266

Subject: This witness is relevant and necessary because he would offer good military character testimony in support of the Accused's reputation for peacefulness and honesty. She graduated from USD two years ago. She was the organizer of the New Orleans trip and the Accused and the witness became friends from there. She can discuss the purpose for everyone being in New Orleans, the work schedules in New Orleans.

Name: Melisa C'Ann Schmidt

Contact: 4627 Santa Monica Ave, San Diego, CA 92107

Subject: Has known Wacker for years. Has seen Wacker around women and alcohol before. Knows of accused's peacefulness and is a GMC.

Name: Christopher Shaw, LtCol, USMC

Contact Info: HS BN, MCRD, San Diego, CA; [jurismarine@gmail.com](mailto:jurismarine@gmail.com), (617) 875-1630

Subject: This witness is relevant and necessary because he would offer good military character testimony in support of the Accused's reputation for peacefulness and honesty. He was in the SEP Law Program for International Law at USD during the Accused's 3L year. He is a mentor and close friend of the Accused.

Col Stephanie Smith, USMC

Contact: HSBN, MCRD, San Diego.

Subject: Investigation of case. Interactions with percipient witnesses. Wacker's performance for when he worked for her under her command or supervision at MCRD.

Name: Catherine Tran

Contact Info: [cltran@gmail.com](mailto:cltran@gmail.com) (858) 472-7372

Subject: This witness is relevant and necessary because she would offer good character testimony in support of the Accused's reputation for peacefulness and honesty. She graduated from USD. The Accused and the witness became friends through school functions and had a

class together last year. She was on the trip to New Orleans and went to a bar and jazz club with Wacker and the accusers close in time to the incident.

Name: Thad Trapp, LtCol, USMC

Contact Info: MCRD San Diego, CA

Subject: This witness is relevant and necessary because they would offer good character testimony in support of the Accused's reputation for peacefulness and honesty. This witness worked with the Accused between May and October 2009.

Name: Dalliana Wacker

Contact: In the possession of the defense.

Subject: Wife of the accused. Would testify as a GMC or on sentencing.

Name: LaNita Wacker

Contact: Seattle, WA. In the possession of the defense.

Subject: Mother of the accused. Would testify as a GMC or on sentencing

Name: Ted Wacker

Contact: Orange County, CA. In the possession of the defense.

Subject: Brother of the accused. Would testify as a GMC or on sentencing

Name: Robert Wandfluh

Contact: Daiquiri Delight Shop, 504-529-2697, [robertwandfluh@hotmail.com](mailto:robertwandfluh@hotmail.com)  
(504) 628-5898 (cell)

Subject: Owner. This shop was the last place Wacker and the accusers drank alcohol the night of the incident. Can discuss type of establishment it is, presence of police on the streets of New Orleans, distance of stand to hotel.

Name: Henry de Vere White

Contact Info: 916-501-2797

[rossbeigh@gmail.com](mailto:rossbeigh@gmail.com)

Subject: This witness is relevant and necessary because they would offer good character testimony in support of the Accused's reputation for peacefulness and honesty. This witness was a bartender in Seattle in 2001 and became a close friend of the Accused. This witness has socialized frequently with the Accused and has seen Wacker around women and alcohol in social settings.

This list will be supplemented again before trial.

/s/

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C. P. HUR  
Capt, U.S. Marine Corps  
Defense Counsel