



University of San Diego

Office of the General Counsel

DECLARATION OF CUSTODIAN OF RECORDS

WITNESS: University of San Diego
5998 Alcalá Park
San Diego, CA 92110-2492

The Custodian of Records or other qualified witness for the University of San Diego with regard to records of:

Douglas Wacker

1. [checked] CERTIFICATION OF RECORDS

- A. I am the duly authorized Custodian of Records, or other qualified witness for the University of San Diego. As such, I have the authority to certify these records.
B. The photocopied records submitted herein are true copies of all the records described in the Subpoena Duces Tecum/Authorization that are on file in this office. The records are being delivered as required by the subpoena.
C. To the best of my knowledge, all such records were prepared or compiled by the personnel of the University of San Diego in the ordinary course of business at or near the time of the acts, conditions or events recorded.
D. No documents have been withheld in order to avoid their being copied. If we have only part of the records described in the Subpoena Duces Tecum/Authorization, such records as are now available, have been provided.

2. _____ CERTIFICATION OF NO RECORDS

- A. A thorough search has been made for the documents described in the Subpoena Duces Tecum/Authorization and, based on the information provided to us for identification, no such records were found.
B. No copies or records are transmitted because we do not have said records.
C. Only partial records are provided.

REASON: _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 13th day of August, 2009, at San Diego, California.

Printed Name Jamie Cummins
Executive Assistant

Signature

[Handwritten signature of Jamie Cummins]



April 21, 2009

VIA CERTIFIED MAIL AND VIA E-MAIL

And hand delivered 5/6/09 CW

Mr. Douglas Wacker
1723 ½ Diamond Street
San Diego, CA 92109

Re: Status at the University of San Diego

Dear Mr. Wacker:

The University of San Diego is in receipt of the Charge Sheet issued against you in connection with the pending military proceedings. The Charge Sheet refers to new and additional claims, facts and circumstances from those that were considered during your 2007 Critical Issues Board hearing. In light of the very serious charges made against you, the university's disciplinary process has been initiated.

We have grounds at this time to suspend you from the university. However, given the near completion of the semester, we will permit you to sit for your two remaining final examinations which are scheduled for May 6 and 8. Given your current preclusion from campus, I will make arrangements to administer the examinations to you at an appropriate off-campus location.

Immediately following the second of the two examinations, you will be suspended from the university. The suspension will remain in effect until such time as the Critical Issues Board completes its consideration of your disciplinary case. The Critical Issues Board will consider your disciplinary case and conduct a hearing after the conclusion of your pending military proceedings. You will receive advance written notice of the hearing.

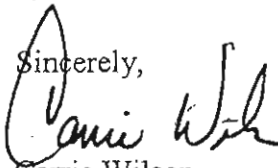
While you are on suspension, your examinations will not be graded, your coursework at the university is considered incomplete, and you will not be eligible to receive a degree from the University of San Diego. Your eligibility to receive a degree from the university will be determined after the conclusion of the Critical Issues Board proceedings.

Mr. Douglas Wacker
April 21, 2009
Page 2

In the meantime, you continue to be barred from the university's campus without the advance written permission of Chief Larry Barnett, the university's Assistant Vice President for Public Safety. Should you have a need to be on the university's campus, you may reach Chief Barnett at (619) 260-7777. If you are present on the university's campus without the required advance permission, you will be considered to be trespassing. The university continues to expect that you will comply with any and all military orders issued against you that relate in any way to the university or any current or former members of the university community.

Thank you for your anticipated cooperation. If you have any questions, please direct them to me.

Sincerely,



Carrie Wilson

Assistant Dean for Student Affairs

cc: Donald Godwin, Assistant Vice President for Student Affairs/Dean of Students
Larry Barnett, Assistant Vice President for Public Safety



April 21, 2009

VIA CERTIFIED MAIL AND VIA E-MAIL

Mr. Douglas Wacker
1723 ½ Diamond Street
San Diego, CA 92109

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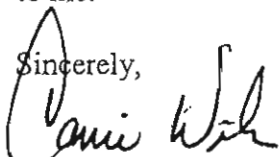
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Mr. Douglas Wacker
April 21, 2009
Page 2

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Thank you for your anticipated cooperation. If you have any questions, please direct them to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie Wilson". The signature is written in a cursive style with a large initial "C".

Carrie Wilson

Assistant Dean for Student Affairs

cc: Donald Godwin, Assistant Vice President for Student Affairs/Dean of Students
Larry Barnett, Assistant Vice President for Public Safety



January 16, 2009

HAND DELIVERED

Douglas Wacker
1723 ½ Diamond Street
San Diego, CA 92109

Re: Interim Leave

Dear Mr. Wacker:

This letter is to notify you that you have been placed on an interim leave with the University of San Diego effective immediately. The decision was made following our receipt of additional information yesterday relating to your pending military case, and our ongoing concern for and commitment to safety.

The interim leave will be in effect until further notice while we continue our evaluation of the matter. In the meantime, you are not permitted to be on the university campus without the advance written permission of Chief Larry Barnett, the university's Assistant Vice President for Public Safety. Should you have a need to be on the university's campus, you may reach Chief Barnett at (619) 260-7777. If you are present on the university's campus without the required advance permission, you will be considered to be trespassing.

The university expects that you will comply with any military order issued to you relating to your contact with any University of San Diego students about your pending case. In addition, you are not to have any contact (in person, by phone, via email, via text, or otherwise) with Jessica Brooder, Elizabeth Easley or Nicole Cusack, except through your attorney and only if permitted under the terms of any applicable military order

Thank you for your anticipated cooperation. If you have any other questions, please direct them to me.

Sincerely,

Carrie Wilson
Dean of Students

Cc: Donald Godwin, Associate Vice President for Student Affairs/Dean of Students
Larry Barnett, Assistant Vice President for Public Safety



UNITED STATES MARINE CORPS

*end
7/11/11 - Post/1/11/11
95 - main copy ads
Apr 3 2 - gen - central*

IN REPLY REFER TO:
5800
HQSVCBN

From: Commanding Officer, Headquarters and Service Battalion,
MCRD San Diego
To: Captain Douglas Wacker, U.S. Marine Corps
Subj: NO CONTACT ORDER ICO CAPTAIN DOUGLAS WACKER, USMC
Ref: (a) MCM, 2008
(b) UCMJ

1. You are hereby directed to abide by the following No Contact Order issued under the references. You are required to obey this order whether you receive it orally or in writing. Violation of this order may result in administrative or disciplinary action, including trial by court martial.

2. This order is an administrative action to ensure the fairness and integrity of the investigative process, the safety and security of yourself and all person(s) listed below, as well as to protect national security information and classified information. It is also intended to protect you from further allegations of misconduct while the order is in effect. The issuance of this order is not the beginning of disciplinary action against you, nor does it mean that you cannot be punished for any actions taken before or after this order.

3. This order is not intended to preclude you or your civilian or military defense counsel, if appointed or retained, from preparing for your defense to any charges that may be brought against you.

4. This order is issued concerning your association and contact with the following person(s):

- (a) Jessica Brooder
- (b) Elizabeth Easley
- (c) Rebecca Barker
- (d) Justin Micklish
- (e) Sharon Lee
- (f) Robert O'Brien
- (g) Christopher Stokes
- (h) Westin Mclean

June 21, 2007

Douglas Wacker
1723 ½ Diamond St.
San Diego CA 92109

CONFIDENTIAL

Dear Douglas,

This letter is being written as a follow up to the Critical Issues Board hearing that occurred on June 21, 2007. In that meeting it was determined that there was not a preponderance of evidence to find you responsible for violating section II.1, 5 or 8 of the Student Code of Rights and Responsibilities.

At the end of the hearing, however, you were reminded to have no contact with either Elizabeth Easley or Jessica Brooder.

Your cooperation in this matter is appreciated.

Sincerely,

Marie G. Minnick
Assistant Dean of Students

CRITICAL ISSUES BOARD
Hearing Record

Name of accused: Doug Wacker Date of Hearing: 6/21/07

Names of the Critical Issues Board members: Debbie Tahmassebi,
Merrick Marino, Rhett Buttle

Name of Advisor: Marie Minnick

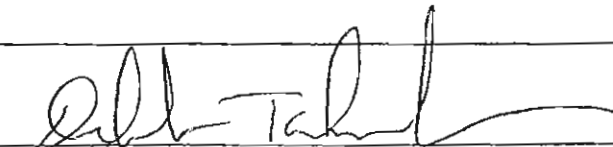
Alleged Violation(s): #1, 5, 8

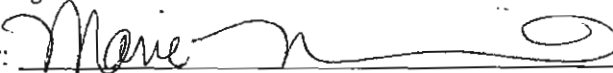
Witnesses Present: Elizabeth Easley, Jessica Brooder (Support: Terry Player, Steve Sprinkle)

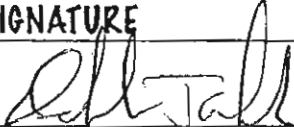

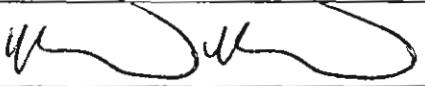
Findings of the Critical Issues Board (responsibility for which violations, if any):
Not responsible

Sanctions (with required completion dates when appropriate): _____

Comments of the Critical Issues Board: This does not exonerate Doug
however the CIB felt there was not a
preponderance of evidence.

Critical Issues Board Chair: 
Signature

Critical Issues Board Advisor: 
Signature

NAME	SIGNATURE	DATE REVIEWED
Debbie Tahmassebi		6/19/07
Rhett Buttle		6/19/07
Merrick Marino		6/19/07

HEARING DATE: Thursday, June 21st 9:00-11:30 a.m.

UC 104



May 24, 2007

Douglas Wacker
1723 1/2 Diamond St.
San Diego, CA 92109

CONFIDENTIAL

Dear Doug,

This letter is being written regarding an alleged serious incident that occurred on April 3rd, 2007 in New Orleans, LA. As a result of that allegation, it is important that we meet to discuss the University discipline process and to review your role in that process.

In order to expedite our meeting, please contact my assistant Mariann Sanchez (619-260-4590) no later than June 1, 2007 to schedule that meeting for no later than June 6, 2007.

Thank you in advance for your cooperation.

Sincerely,

Marie G. Minnick
Assistant Dean of Students



University of San Diego

Student Affairs

June 14, 2007

Douglas Wacker
1723 ½ Diamond St.
San Diego, CA 92109

CONFIDENTIAL

Dear Douglas,

I have received a Public Safety Report identifying you as allegedly violating the Student Code of Rights and Responsibilities. Due to the serious nature of the allegations you are to appear before the Critical Issues Board. That hearing is scheduled for Thursday, June 21st, 2007 from 9:00 a.m.-11:30 a.m. in University Center room 104. The hearing is a result of an alleged violation of Student Code of Rights and Responsibilities (The Code):

- Violation of law, including local, state and federal statutes, regulations and codes.
- Any inconsiderate behavior toward a community member or guest.
- Any sexual assault.

On April 3rd, 2007 you were allegedly involved in a serious incident that occurred in New Orleans, LA.

Please refer to The Code found on the website, "Rules of Conduct," policy #'s 1, 5, and 8 and "Procedural Guidelines for the Disciplinary Process" included in your letter.

Please feel free to contact me with any questions including the process for bringing in the witness. Failure to appear at the hearing will most likely result in the hearing occurring without you and resulting in more serious sanctions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marie G. Minnick'. The signature is fluid and cursive, with a large loop at the end.

Marie G. Minnick
Assistant Dean of Students



University of San Diego

June 14, 2007

Student Affairs

Jessica Lee Brooder
4125 Loma Alta Dr.
San Diego, CA 92115

CONFIDENTIAL

Dear Jessica,

A serious incident, in which a student allegedly violated The Student Code of Rights and Responsibilities, is being reviewed by the Critical Issues Board. The incident occurred on April 3rd, 2007 in New Orleans, LA. You either observed or were impacted by the incident. In order for the Board to have complete and accurate information, I am requesting that you attend the hearing as a witness.

The hearing will be held on Thursday, June 21st 2007 at 9:30 a.m. in the University Center, room 104. In order to reduce your contact with the alleged offender, I am asking that you wait in the Student Affairs Office (UC 232) until you are called in. Please review the enclosed document for information regarding serving as a witness in the USD administrative discipline process.

All those that participate in the hearing process are reminded that this is an administrative process. No one is placed under oath, however, the University expects members of its' community to be honest and forthright. Being otherwise could be considered a violation of section II.2 of the University Code of Conduct.

Please contact me with any questions or concerns you may have regarding this process.

Sincerely,

Marie G. Minnick
Assistant Dean of Students

enclosure

UNIVERSITY OF SAN DIEGO
Office of the Dean of Students

BEING A WITNESS

Philosophy and Purpose of "The Code of Rights and Responsibilities" (The Code):

In support of its Mission, the University of San Diego has developed standards of conduct and processes designed to hold students accountable to these standards. The purpose of the discipline process is to maintain a safe environment for the campus community, one that supports the academic mission and provides a productive living and learning environment. The discipline process is also designed to foster the personal development of students and emphasizes the student's personal understanding of their behavior as well as their responsibilities to the community.

The University of San Diego also has an obligation to uphold the laws of the larger community of which it is a part. While the activities covered by the laws of the larger community and those covered by the University of San Diego's rules may overlap, it is important to note that the community's laws and the University of San Diego's rules operate independently and that they do not substitute for each other. The University of San Diego may pursue enforcement of its own rules whether or not legal proceedings are underway or in process, and may use information from third party sources, such as, law enforcement agencies, news agencies, and the courts, to determine whether University rules have been broken. Membership in the University community does not exempt anyone from local, state, or federal laws, but rather imposes the additional obligation to abide by all the University of San Diego's regulations.

This Code has been established in order to ensure community order and to facilitate students' unencumbered pursuit of education both inside and outside of the classroom.

You have been notified that you are to serve as a witness in a campus discipline hearing. You were given the date, time and location to the hearing and the incident it is regarding. The purpose of this document is to inform you about the campus discipline philosophy, the hearing process and your rights as a witness.

Witness Rights:

The discipline hearing process, as outlined in The Code, provides witnesses with the following rights:

1. To be notified prior to the hearing of the date, time, location and nature of the proceedings including the nature of the incident in question and his/her role in the hearing.
2. To be accompanied by one advisor (any formal member of the current University of San Diego community) during the hearing. The advisor's role is to provide support to the witness.
3. To be asked questions only by members of the hearing board.

The Hearing Process:

When you arrive for the hearing, it is possible that you may wait up to thirty minutes before you are called in. (Your designated time is the estimated time you will be called in, not the time the hearing begins. Please do not come late.) The hearing board will first question the student(s) allegedly involved in a violation of policy. Generally, witnesses are called in one at a time. The alleged violator(s) is present throughout the hearing. He/she is not permitted to speak with witnesses or ask them questions directly. Only hearing board members may question witnesses. After the board has completed their questions, they will request that you wait outside. The board will notify you when you can leave once they are confident they have no additional questions.

In the USD administrative process, alleged victims serve as witnesses. Victims may write a statement of impact that will be read at the completion of the hearing.

Due to Federal Regulations, you will not be notified regarding the outcome of the hearing. (The only exception to this is victims of any physical assault). Failure to attend the hearing may be seen as a violation of The Code (Rules of Conduct #24).

Please direct any questions to the Assistant Dean of Students in the Office of Student Affairs, UCSD (619) 260-4590.



University of San Diego

June 14, 2007

Student Affairs

Elizabeth Easley
2210 River Run Dr. #57
San Diego, CA 92108

CONFIDENTIAL

Dear Elizabeth,

A serious incident, in which a student allegedly violated The Student Code of Rights and Responsibilities, is being reviewed by the Critical Issues Board. The incident occurred on April 3rd, 2007 in New Orleans, LA. You either observed or were impacted by the incident. In order for the Board to have complete and accurate information, I am requesting that you attend the hearing as a witness.

The hearing will be held on Thursday, June 21st 2007 at 9:30 a.m. in the University Center, room 104. In order to reduce your contact with the alleged offender, I am asking that you wait in the Student Affairs Office (UC 232) until you are called in. Please review the enclosed document for information regarding serving as a witness in the USD administrative discipline process.

All those that participate in the hearing process are reminded that this is an administrative process. No one is placed under oath, however, the University expects members of its' community to be honest and forthright. Being otherwise could be considered a violation of section II.2 of the University Code of Conduct.

Please contact me with any questions or concerns you may have regarding this process.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Marie G. Minnick'.

Marie G. Minnick
Assistant Dean of Students

enclosure

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

USD INCIDENT NUMBER: **07-00286**
CASE NUMBER: **07-00286**

PAGE: **1 of 9**

CRIME	RELATED REPORTS Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	ADDITIONAL PROPERTY Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	ADDITIONAL OFFENSES LISTED IN NARRATIVE Y <input type="checkbox"/> N <input checked="" type="checkbox"/> A <input type="checkbox"/>	CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) 261(a)(3)PC Rape by Intoxication or Controlled Substance	HC DV OAK <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	MONTH 04	DAY 03-04	YEAR 2007	DAY OF WEEK Tue-Wed
	LOCATION OF INCIDENT (OR ADDRESS) Royal St. Charles Hotel 135 St. Charles Ave.				CITY New Orleans	TIME 2200-1000	BEAT P-1		

VICTIM-WITNESS	V <input checked="" type="checkbox"/> W <input type="checkbox"/>	SP <input type="checkbox"/> DC <input checked="" type="checkbox"/> RP <input checked="" type="checkbox"/>	W-TYPE 06	VICTIM'S NAME (LAST, FIRST, MIDDLE OR ORGANIZATION) Brooder, Jessica Lee	RESIDENCE ADDRESS CITY STATE ZIP				
	RESIDENCE PHONE		RACE O	SEX F	DATE OF BIRTH 11-18-82	ID TYPE CADL	ID NUMBER B9419894	INTERPRETER REQUIRED Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	RELATION TO: VICTIM SUSPECT R A S R A S <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	STATUS S	EMPLOYER (RANK IF MILITARY) University of San Diego School of Law	BUSINESS OR MILITARY ADDRESS 5998 Alcalá Park		CITY San Diego	STATE CA	ZIP 92110	DAYS OFF VARY	WK HRS VARY
	BUSINESS PHONE 619-260-4600		ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE) USD ID 3062547			V/W ASSIST Y <input type="checkbox"/> N <input checked="" type="checkbox"/>			
VICTIM-WITNESS	V <input checked="" type="checkbox"/> W <input checked="" type="checkbox"/>	SP <input type="checkbox"/> DC <input checked="" type="checkbox"/> RP <input type="checkbox"/>	W-TYPE 06	VICTIM'S NAME (LAST, FIRST, MIDDLE OR ORGANIZATION) Easley, Elizabeth Marie	RESIDENCE ADDRESS CITY STATE ZIP				
	RESIDENCE PHONE		RACE O	SEX F	DATE OF BIRTH 06-14-83	ID TYPE CADL	ID NUMBER D9572929	INTERPRETER REQUIRED Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	RELATION TO: VICTIM SUSPECT R A S R A S <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	STATUS S	EMPLOYER (RANK IF MILITARY) University of San Diego School of Law	BUSINESS OR MILITARY ADDRESS 5998 Alcalá Park		CITY San Diego	STATE CA	ZIP 92110	DAYS OFF VARY	WK HRS VARY
	BUSINESS PHONE 619-260-4600		ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE) USD ID 3061986			V/W ASSIST Y <input type="checkbox"/> N <input checked="" type="checkbox"/>			

WITNESS TYPE:	01 Arresting Officer	06 Other Lay Witness	RACE CODE:	A Other Asian	D Cambodian	H Hispanic	K Korean	P Pacific Islander	V Vietnamese	STATUS
	07 Narc. Chemist	12 Other Expert		B Black	F Filipino	I Indian	L Laotian	S Samoan	W White	E Employed
	13 Investigator	14 Other Police		C Chinese	G Guamanian	J Japanese	O Other	U Hawaiian	Z Asian Indian	S Student
										U Unemployed
										N Non Salaried Worker

PLACE OF ATTACK:	<input checked="" type="checkbox"/> Structure	<input type="checkbox"/> Vehicle	<input type="checkbox"/> Street/Alley	<input type="checkbox"/> Lot/Park/Yard	<input type="checkbox"/> Vessels	<input type="checkbox"/> Other
DESCRIPTION OF SURROUNDING AREA:	<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Business	<input type="checkbox"/> Industrial / Mfg.	<input type="checkbox"/> Recreation	<input type="checkbox"/> Institutional	<input type="checkbox"/> Open Space
FORCE TOOL WEAPON	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	SPECIFY:	Unknown			
FORCE TOOL WEAPON	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	SPECIFY:	How used: To rape victim			

M.O. INFORMATION	TYPE OF STRUCTURE	<input checked="" type="checkbox"/> N/A	POINT OF ENTRY	<input checked="" type="checkbox"/> N/A	SECURITY USED	<input checked="" type="checkbox"/> N/A	SUSPECT ACTIONS
	<input type="checkbox"/> NON RESIDENTIAL <input type="checkbox"/> BANKS & LCU <input type="checkbox"/> BUSINESS OFFICE <input type="checkbox"/> COMM. VEHICLE <input type="checkbox"/> CONVENIENCE <input type="checkbox"/> DEPT <input type="checkbox"/> DRUG/MEDICAL <input type="checkbox"/> ENTERTAIN/REC. <input type="checkbox"/> FAST FOOD <input type="checkbox"/> FINANCE COMPANY <input type="checkbox"/> GAS SERVICE STATION <input type="checkbox"/> HOTEL/MOTEL <input type="checkbox"/> JEWELRY/COIN/PAWN <input type="checkbox"/> LIQUOR <input type="checkbox"/> MFG/CONSTRUCTION <input type="checkbox"/> PUBLIC BLDG. <input type="checkbox"/> RESTAURANT/BAR <input type="checkbox"/> RETAIL GOODS <input type="checkbox"/> SCHOOL <input type="checkbox"/> SERVICES <input type="checkbox"/> SUPERMARKET <input type="checkbox"/> WHOLESALE <input type="checkbox"/> _____ TARGET(S) <input type="checkbox"/> CASH REG/DRAWER <input type="checkbox"/> COIN-OP MACH. <input type="checkbox"/> DISPLAY ITEMS <input type="checkbox"/> OFFICE <input type="checkbox"/> PERSON <input type="checkbox"/> SAFE/BOX <input type="checkbox"/> STORAGE AREA <input type="checkbox"/> _____	<input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> APT/CONDO <input type="checkbox"/> DUPLEX/ TOWN HOUSE <input type="checkbox"/> HOTEL/ MOTEL <input type="checkbox"/> HOUSEBOAT <input type="checkbox"/> SINGLE DETACH <input type="checkbox"/> TRAILER <input type="checkbox"/> _____ TARGET(S) <input type="checkbox"/> ATTIC <input type="checkbox"/> BATHROOM <input type="checkbox"/> BEDROOM <input type="checkbox"/> COIN OP MACHINE <input type="checkbox"/> DEN <input type="checkbox"/> ENTIRE HOUSE <input type="checkbox"/> FAMILY ROOM <input type="checkbox"/> GARAGE <input type="checkbox"/> KITCHEN <input type="checkbox"/> LIVING ROOM <input type="checkbox"/> PERSON <input type="checkbox"/> STORAGE AREA <input type="checkbox"/> _____	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> UNKNOWN <input type="checkbox"/> FRONT <input type="checkbox"/> GARAGE <input type="checkbox"/> REAR <input type="checkbox"/> SIDE <input type="checkbox"/> GROUND LEVEL <input type="checkbox"/> UPPER LEVEL <input type="checkbox"/> DOOR <input type="checkbox"/> DUCT/VENT <input type="checkbox"/> ROOF/FLOOR <input type="checkbox"/> TRUNK/HOOD <input type="checkbox"/> WALL <input type="checkbox"/> WINDOW <input type="checkbox"/> _____	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> ALARM <input type="checkbox"/> BARS/GRATE <input type="checkbox"/> DOG <input type="checkbox"/> EXTERIOR LIGHTS <input type="checkbox"/> GUARD <input type="checkbox"/> INTERIOR LIGHTS <input type="checkbox"/> LOCKED DOORS <input type="checkbox"/> LOCKED WINDOWS <input type="checkbox"/> NEIGHBOR/WATCH <input type="checkbox"/> OPERATION ID <input type="checkbox"/> PHOTO/CAMERAS <input type="checkbox"/> SECURITY FENCE <input type="checkbox"/> WEAPON <input type="checkbox"/> _____	<input type="checkbox"/> UNKNOWN <input type="checkbox"/> ATE/DRANK ON PREMISES <input type="checkbox"/> BLINDFOLD VICTIM <input type="checkbox"/> BOUND VICTIM <input type="checkbox"/> CAGED AREA <input type="checkbox"/> CHILD MOLEST <input type="checkbox"/> CHILD NEGLECT <input type="checkbox"/> CONCEALED GOODS <input type="checkbox"/> DEFEATED SECURITY <input type="checkbox"/> DEFEATED <input type="checkbox"/> DEMANDED CASH <input type="checkbox"/> DEMANDED JEWELRY <input type="checkbox"/> DISABLED PHONE <input type="checkbox"/> FIRED WEAPON <input type="checkbox"/> FOLLOWED/STALKED <input type="checkbox"/> FORCED ENTRY <input type="checkbox"/> FORCED VICTIM TO LAY ON FLOOR <input type="checkbox"/> FORCED VICTIM TO MOVE <input type="checkbox"/> FRAUD/FALSE PRETENSE <input type="checkbox"/> GANG RELATED <input type="checkbox"/> HID/CONCEALED OWN FACE/WORE MASK	<input type="checkbox"/> HIDEOUT TECHNIQUE <input type="checkbox"/> INFLECTED INJURY <input type="checkbox"/> OFFERED ASSISTANCE <input type="checkbox"/> OFFERED DRUGS <input type="checkbox"/> OFFERED GAMBLING <input type="checkbox"/> OFFERED SEX <input type="checkbox"/> OTHER SEX ACTS <input type="checkbox"/> PICKED POCKET <input type="checkbox"/> PREPARED EXIT <input type="checkbox"/> PURSE SNATCH <input type="checkbox"/> PUSH/SHOVE VICTIM <input type="checkbox"/> PUT CASH IN BAG/PURSE <input type="checkbox"/> RANSACKED <input type="checkbox"/> RAPED <input type="checkbox"/> SHOPLIFTED <input type="checkbox"/> SMOKED ON PREMISES <input type="checkbox"/> TAMPER WITH VEHICLE <input type="checkbox"/> THREATENED RETALIATION <input type="checkbox"/> TOOK ANIMALS <input type="checkbox"/> TOOK CASH FROM REGISTER PERSONALLY <input type="checkbox"/> TOOK ONLY JEWELRY <input type="checkbox"/> TOOK ONLY MONEY <input type="checkbox"/> TOOK ONLY TOOLS	<input type="checkbox"/> TOOK ONLY TV/ STEREO/CAMERA <input type="checkbox"/> TOOK PROPERTY FROM PERSON <input type="checkbox"/> TOOK PROPERTY FROM VEHICLE <input type="checkbox"/> TOOK VEHICLE PARTS <input type="checkbox"/> TOOK VICTIM VEHICLE <input type="checkbox"/> USED DEMAND NOTE <input type="checkbox"/> USED LEFT HAND <input type="checkbox"/> USED LOOKOUT <input type="checkbox"/> USED MATCHES <input type="checkbox"/> USED PHONE <input type="checkbox"/> USED RIGHT HAND <input type="checkbox"/> USED STOLEN VEHICLE <input type="checkbox"/> USED THREATS <input type="checkbox"/> USED VICTIMS TOOLS <input type="checkbox"/> VANDALIZED <input type="checkbox"/> VEHICLE NEEDED TO REMOVE PROPERTY <input checked="" type="checkbox"/> OTHER Raped Victim <input type="checkbox"/> PRETENDED TO BE:
	TYPE LOCK ATTACKED	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> ALARM DEFEATED <input type="checkbox"/> DEADBOLT <input type="checkbox"/> PADLOCK <input type="checkbox"/> _____ <input type="checkbox"/> SPRING LATCH <input type="checkbox"/> SLIDE <input type="checkbox"/> LATCH/CHAIN <input type="checkbox"/> VEHICLE LOCK <input type="checkbox"/> WINDOW LATCH					

NO. ITEM	ARTICLE NAME	STOLEN / RECOVERED	IDENTIFICATION NUMBERS	BRAND, MAKE, OR MANUFACTURER	MODEL NAME & MODEL NUMBERS	MISCELLANEOUS DESCRIPTION	VALUE
(1)							
(2)							
(3)							
(4)							

VICTIM INJURED	Y <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Capt Wacker, D.S. <input checked="" type="checkbox"/> NONE	EXTENT OF TREATMENT:	<input type="checkbox"/> TREATED <input type="checkbox"/> HOSPITAL <input type="checkbox"/> DEATH	SUSPECT IN CUSTODY:	<input type="checkbox"/> YES <input type="checkbox"/> ADULT <input type="checkbox"/> JUV <input checked="" type="checkbox"/> NO-PROB 000244 <input type="checkbox"/> J <input type="checkbox"/> U
REPORTING OFFICER	I.D.# 35604	DIVISION	Patrol	APPROVED BY	I.D.#
Q. Kawahara					
TIME OF REPORT	MONTH	DAY	YEAR	DETECTIVE(S) ASSIGNED	I.D.#

ARRESTED Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	SUSPECT #1 (LAST, FIRST, MIDDLE) Wacker, Douglas	NICKNAME/AKA	RACE W	SEX M	AGE	DOB 06/16/79	HT. 5'11	WT. 175	BUILD MUSCULAR	HAIR BLN	EYES BLUE
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SUSPECT'S ADDRESS 1723 1/2 Diamond St.	CITY San Diego	STATE CA	ZIP 92109	PHONE 858-401-9392	ID TYPE USD ID	ID NUMBER 3061393
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ADDITIONAL INFORMATION/FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS ETC.)
SSN 538-08-9313

SUSPECT'S CLOTHING

ARRESTED Y <input type="checkbox"/> N <input type="checkbox"/>	SUSPECT #1 (LAST, FIRST, MIDDLE)	NICKNAME/AKA	RACE	SEX	AGE	DOB	HT.	WT.	BUILD	HAIR	EYES
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SUSPECT'S ADDRESS	CITY	STATE	ZIP	PHONE	ID TYPE	ID NUMBER
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ADDITIONAL INFORMATION/FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS ETC.)

SUSPECT'S CLOTHING

SUSPECT(S)

HAIR LENGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE
1 SUSPECT 2	1 SUSPECT 2	1 SUSPECT 2	1 SUSPECT 2	1 SUSPECT 2	1 SUSPECT 2	1 SUSPECT 2	1 SUSPECT 2
<input type="checkbox"/> UNKNOWN <input type="checkbox"/> <input type="checkbox"/> BALD <input type="checkbox"/> <input type="checkbox"/> COLLAR <input type="checkbox"/> <input type="checkbox"/> LONG <input type="checkbox"/> <input type="checkbox"/> NECK <input type="checkbox"/> <input checked="" type="checkbox"/> SHORT <input type="checkbox"/> <input type="checkbox"/> SHOULDER <input type="checkbox"/> <input type="checkbox"/> COARSE <input type="checkbox"/> <input type="checkbox"/> FINE <input type="checkbox"/> <input checked="" type="checkbox"/> THICK <input type="checkbox"/> <input type="checkbox"/> THINNING <input type="checkbox"/> <input type="checkbox"/> WIRY <input type="checkbox"/> <input type="checkbox"/> OTHER: <input type="checkbox"/>	<input type="checkbox"/> UNKNOWN <input type="checkbox"/> <input type="checkbox"/> AFRO/NAT. <input type="checkbox"/> <input type="checkbox"/> BRAIDED <input type="checkbox"/> <input type="checkbox"/> BUSHY <input type="checkbox"/> <input type="checkbox"/> GREASY <input type="checkbox"/> <input type="checkbox"/> MILITARY <input type="checkbox"/> <input type="checkbox"/> PONYTAIL <input type="checkbox"/> <input type="checkbox"/> PROCESSED <input type="checkbox"/> <input checked="" type="checkbox"/> STRAIGHT <input type="checkbox"/> <input type="checkbox"/> WAVY/CUR. <input type="checkbox"/> <input type="checkbox"/> WIG <input type="checkbox"/> <input type="checkbox"/> OTHER: <input type="checkbox"/>	<input type="checkbox"/> UNKNOWN <input type="checkbox"/> <input checked="" type="checkbox"/> CLEAN SHAVE <input type="checkbox"/> <input type="checkbox"/> FULL BEARD <input type="checkbox"/> <input type="checkbox"/> FU MANCHU <input type="checkbox"/> <input type="checkbox"/> GOATEE <input type="checkbox"/> <input type="checkbox"/> LOWER LIP <input type="checkbox"/> <input type="checkbox"/> MUSTACHE <input type="checkbox"/> <input type="checkbox"/> NONE/FUZZ <input type="checkbox"/> <input type="checkbox"/> SIDEBURNS <input type="checkbox"/> <input type="checkbox"/> UNSHAVEN <input type="checkbox"/> <input type="checkbox"/> VAN DYKE <input type="checkbox"/> <input type="checkbox"/> OTHER: <input type="checkbox"/>	<input type="checkbox"/> UNKNOWN <input type="checkbox"/> <input type="checkbox"/> ACNE <input type="checkbox"/> <input type="checkbox"/> DARK <input type="checkbox"/> <input type="checkbox"/> FRECKLED <input type="checkbox"/> <input checked="" type="checkbox"/> LIGHT <input type="checkbox"/> <input type="checkbox"/> MEDIUM <input type="checkbox"/> <input type="checkbox"/> PALE <input type="checkbox"/> <input type="checkbox"/> POKED <input type="checkbox"/> <input type="checkbox"/> RUDDY <input type="checkbox"/> <input type="checkbox"/> SALLOW <input type="checkbox"/> <input type="checkbox"/> TANNED <input type="checkbox"/> <input type="checkbox"/> OTHER: <input type="checkbox"/>	<input type="checkbox"/> UNKNOWN <input type="checkbox"/> <input checked="" type="checkbox"/> CASUAL <input type="checkbox"/> <input type="checkbox"/> DIRTY <input type="checkbox"/> <input type="checkbox"/> DISGUISE <input type="checkbox"/> <input type="checkbox"/> FLASHY <input type="checkbox"/> <input type="checkbox"/> GOOD-LOOKING <input type="checkbox"/> <input type="checkbox"/> MILITARY <input type="checkbox"/> <input type="checkbox"/> UNKEMPT <input type="checkbox"/> <input type="checkbox"/> UNUSUAL ODOR <input type="checkbox"/> <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> <input type="checkbox"/> OTHER: <input type="checkbox"/>	<input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> <input type="checkbox"/> ANGRY <input type="checkbox"/> <input type="checkbox"/> APOLOGETIC <input type="checkbox"/> <input type="checkbox"/> CALM <input type="checkbox"/> <input type="checkbox"/> DISORGANIZED <input type="checkbox"/> <input type="checkbox"/> IRRATIONAL <input type="checkbox"/> <input type="checkbox"/> NERVOUS <input type="checkbox"/> <input type="checkbox"/> POLITE <input type="checkbox"/> <input type="checkbox"/> PROFESSIONAL <input type="checkbox"/> <input type="checkbox"/> STUPOR <input type="checkbox"/> <input type="checkbox"/> VIOLENT <input type="checkbox"/> <input type="checkbox"/> OTHER: <input type="checkbox"/>	<input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> <input type="checkbox"/> ACCENT <input type="checkbox"/> <input type="checkbox"/> LISPS <input type="checkbox"/> <input type="checkbox"/> MUMBLES <input type="checkbox"/> <input type="checkbox"/> OFFENSIVE <input type="checkbox"/> <input type="checkbox"/> QUIET <input type="checkbox"/> <input type="checkbox"/> RAPID <input type="checkbox"/> <input type="checkbox"/> SLOW <input type="checkbox"/> <input type="checkbox"/> STUTTERS <input type="checkbox"/> <input type="checkbox"/> TALKATIVE <input type="checkbox"/> <input type="checkbox"/> OTHER: <input type="checkbox"/>	<input type="checkbox"/> UNKNOWN <input type="checkbox"/> <input type="checkbox"/> DISGUISED <input type="checkbox"/> <input type="checkbox"/> HIGH PITCH <input type="checkbox"/> <input type="checkbox"/> LOUD <input type="checkbox"/> <input type="checkbox"/> LOW PITCH <input type="checkbox"/> <input type="checkbox"/> MEDIUM <input type="checkbox"/> <input type="checkbox"/> MONOTONE <input type="checkbox"/> <input type="checkbox"/> NASAL <input type="checkbox"/> <input type="checkbox"/> PLEASANT <input type="checkbox"/> <input type="checkbox"/> RASPY <input type="checkbox"/> <input type="checkbox"/> SOFT <input type="checkbox"/> <input type="checkbox"/> OTHER: <input type="checkbox"/>

SUSPECT VEHICLE	YEAR	NAME	MODEL	COLOR/COLOR	TYPE	LICENSE NO.	LICENSE STATE
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ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.)

VEHICLE IMPOUND Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	TOWING COMPANY
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EVID.

EVIDENCE OBTAINED

NONE FINGERPRINTS OTHER PRINTS WEAPONS/TOOLS VEHICLE PHOTOS HAIR STAINS BLOOD/SEMEN OTHER: Voice Recording

DISPOSITION OF EVIDENCE Attached to case	PROPERTY TAG NUMBER	ADDITIONAL PERSONS LISTED Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	WITNESS CHECK Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
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ADDITIONAL OFFENSES

HEADINGS: ORIGIN STATEMENT	VICTIM(S) STATEMENT	REPORTING PARTY STATEMENT	WITNESS STATEMENT/WITNESS CHECKS	OFFICER OBSERVATION/ACTION	SUSPECT STATEMENT
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(INJURIES/PROPERTY DAMAGE EVIDENCE/DISPOSITION REFERENCE)

SEE NARRATIVE

NARRATIVE

Officer Assault: OAK ZZ <input type="checkbox"/> One Officer Vehicle <input type="checkbox"/> Two Officer Vehicle <input type="checkbox"/> Detective or Special Assignment	<input type="checkbox"/> Alone Number officers <input type="checkbox"/> Assisted with personal injury _____ Number officers without personal injury	Activity when assault occurred: <input type="checkbox"/> 415 <input type="checkbox"/> 459 <input type="checkbox"/> 211 <input type="checkbox"/> OTHER ARREST <input type="checkbox"/> CIVIL DISORDER	<input type="checkbox"/> SUSPICIOUS CIR/PERSON <input type="checkbox"/> TRANSPORTING <input type="checkbox"/> 5150 <input type="checkbox"/> TRAFFIC STOP <input type="checkbox"/> ALL OTHER <input type="checkbox"/> PURSUIT <input type="checkbox"/> AMBUSH
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ARSON

ARSON TYPE:

SINGLE RESIDENTIAL OTHER RESIDENTIAL STORAGE INDUSTRIAL/MANUFACTURING OTHER COMMERCIAL
 COMMUNITY/PUBLIC ALL OTHER STRUCTURE MOTOR VEHICLE OTHER MOBILE PROP. CROPS, TIMBER, FENCES

DESCRIPTION: U.S. v. Capt Wacker, D.S.	CONTENT LOSS:	STRUCTURAL LOSS:	ABANDONED Y <input type="checkbox"/> N <input type="checkbox"/>	000245 <input checked="" type="checkbox"/> TITLED
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LOCATION OF INCIDENT (OR ADDRESS) **135 St. Charles Ave** CITY **New Orleans** DATE **04/03-04/07** BEAT **P-1** DISTRICT

V SP W-TYPE **06** NAME (LAST, FIRST, MIDDLE OR ORGANIZATION) **Baker, Rebecca Junay** RESIDENCE ADDRESS **1205 Colusa St. #19** CITY, STATE **San Diego, CA** ZIP **92110**
 W RP

RESIDENCE PHONE **661-618-2548** RACE **O** SEX **F** DATE OF BIRTH ID TYPE **USD ID** ID NUMBER **3061418** INTERPRETER REQUIRED YES NO RELATION TO: VICTIM SUSPECT

STATUS **S** EMPLOYER (RANK IF MILITARY) **University of San Diego School of Law** BUSINESS OR MILITARY ADDRESS **5998 Alcala Park** CITY, STATE **San Diego, CA** ZIP **92110** DAYS OFF **VARY** RESIDENT SD COUNTY

BUSINESS PHONE **619-260-4600** ADDITIONAL INFORMATION (VICTIM VEHICLE INFO, IF APPLICABLE) HOURS **VARY** VW ASSIST

V SP W-TYPE NAME (LAST, FIRST, MIDDLE OR ORGANIZATION) RESIDENCE ADDRESS CITY, STATE ZIP
 W RP

RESIDENCE PHONE RACE SEX DATE OF BIRTH ID TYPE ID NUMBER INTERPRETER REQUIRED YES NO RELATION TO: VICTIM SUSPECT

STATUS EMPLOYER (RANK IF MILITARY) BUSINESS OR MILITARY ADDRESS CITY, STATE ZIP DAYS OFF RESIDENT SD COUNTY

BUSINESS PHONE ADDITIONAL INFORMATION (VICTIM VEHICLE INFO, IF APPLICABLE) HOURS VW ASSIST

V SP W-TYPE NAME (LAST, FIRST, MIDDLE OR ORGANIZATION) RESIDENCE ADDRESS CITY, STATE ZIP
 W RP

RESIDENCE PHONE RACE SEX DATE OF BIRTH ID TYPE ID NUMBER INTERPRETER REQUIRED YES NO RELATION TO: VICTIM SUSPECT

STATUS EMPLOYER (RANK IF MILITARY) BUSINESS OR MILITARY ADDRESS CITY, STATE ZIP DAYS OFF RESIDENT SD COUNTY

BUSINESS PHONE ADDITIONAL INFORMATION (VICTIM VEHICLE INFO, IF APPLICABLE) HOURS VW ASSIST

V SP W-TYPE NAME (LAST, FIRST, MIDDLE OR ORGANIZATION) RESIDENCE ADDRESS CITY, STATE ZIP
 W RP

RESIDENCE PHONE RACE SEX DATE OF BIRTH ID TYPE ID NUMBER INTERPRETER REQUIRED YES NO RELATION TO: VICTIM SUSPECT

STATUS EMPLOYER (RANK IF MILITARY) BUSINESS OR MILITARY ADDRESS CITY, STATE ZIP DAYS OFF RESIDENT SD COUNTY

BUSINESS PHONE ADDITIONAL INFORMATION (VICTIM VEHICLE INFO, IF APPLICABLE) HOURS VW ASSIST

V SP W-TYPE NAME (LAST, FIRST, MIDDLE OR ORGANIZATION) RESIDENCE ADDRESS CITY, STATE ZIP
 W RP

RESIDENCE PHONE RACE SEX DATE OF BIRTH ID TYPE ID NUMBER INTERPRETER REQUIRED YES NO RELATION TO: VICTIM SUSPECT

STATUS EMPLOYER (RANK IF MILITARY) BUSINESS OR MILITARY ADDRESS CITY, STATE ZIP DAYS OFF RESIDENT SD COUNTY

BUSINESS PHONE ADDITIONAL INFORMATION (VICTIM VEHICLE INFO, IF APPLICABLE) HOURS VW ASSIST

V SP W-TYPE NAME (LAST, FIRST, MIDDLE OR ORGANIZATION) RESIDENCE ADDRESS CITY, STATE ZIP
 W RP

RESIDENCE PHONE RACE SEX DATE OF BIRTH ID TYPE ID NUMBER INTERPRETER REQUIRED YES NO RELATION TO: VICTIM SUSPECT

STATUS EMPLOYER (RANK IF MILITARY) BUSINESS OR MILITARY ADDRESS CITY, STATE ZIP DAYS OFF RESIDENT SD COUNTY

BUSINESS PHONE ADDITIONAL INFORMATION (VICTIM VEHICLE INFO, IF APPLICABLE) HOURS VW ASSIST

WITNESS TYPE: **01 Arresting Officer** RACE CODE LEGEND A = OTHER ASIAN D = CAMBODIAN H = HISPANIC K = KOREAN P = PACIFIC U = HAWAIIAN Z = ASIAN E - Employed
06 Other Lay Witness B = BLACK F = FILIPINO I = INDIAN L = LAOTIAN ISLANDER V = VIETNAMESE INDIAN U - Unemployed
12 Other Expert C = CHINESE G = GUAMANIAN J = JAPANESE O = OTHER S = SAMOAN W = WHITE S - Student
13 Investigator N - Non-Safened Work

REPORTING OFFICER **Q. Kawahara** I.D. **35604** DATE **04-11-07** APPROVED BY I.D. CONTINUED

**University of San Diego
Department of Public Safety
OFFICER'S REPORT
Narrative**

PAGE	CASE NUMBER
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CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) 261(a)(3)PC Rape by Intoxication or Controlled Substance	DATE 04/03-04-07	DAY OF WEEK Tue-Wed	TIME 2200-1000
LOCATION OF INCIDENT (OR ADDRESS) Royal St. Charles Hotel 135 St. Charles Ave	CITY New Orleans	BEAT P-1	DISTRICT USD

SYNOPSIS:

Jessica Brooder (USD ID 3062547) and Elizabeth Easley (USD ID 3061986) both possibly ingested a "date rape drug" that was put into their drinks by Douglas Wacker (USD ID 3061393) while they were all in New Orleans. Wacker also possibly raped Brooder while she was under the influence of the "date rape drug" and possibly attempted to rape Easley also.

ORIGIN:

On 04-11-07 at 1515hrs, I was dispatched to the Counseling Center inside of Serra Hall to take a report of a possible rape that occurred off campus in New Orleans involving USD School of Law students.

INVESTIGATION:

On arrival, I made contact with Brooder and took her statement. During the contact I asked Brooder if she wanted San Diego Police to take a report for possible prosecution, but Brooder declined to involve San Diego Police. Since Brooder was already speaking with a counselor I just advised her if she needed to speak to a counselor after hours, she could call Public Safety and we could call the on duty counselor for her. I also gave Brooder my business card and told her to call me if she has any question or additional information to give.

On 04-11-07 at 1600hrs, I took a statement from Easley who was with Brooder in the counseling center. I also advised Easley she could call Public Safety if she wanted to speak to a counselor after hours. Easley also advised me that she did not want to involve San Diego Police for this incident. I gave my business card to Easley and advised her to contact me if she has any question or additional information.

OFFICER: Capt Wacker, D.S.	ID#	DATE OF REPORT
Q. Kawahara	35604	04-11-07 000247

**University of San Diego
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Narrative**

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On 04-11-07 at 1630hrs, I took a statement from Baker who was with Brooder and Easley in the counseling center. I also advised Baker she could contact Public Safety if she needed to speak to a counselor after hours. I gave Baker my business card and advised her to contact me if she has any question or additional information.

On 04-11-07 at 1730hrs, I attempted to contact Wacker but he did not answer so I left him a message to contact me. On 04-11-07 at 1830hrs, Wacker returned my call and said he would meet with me after his class on 04-12-07.

On 04-11-07 at 1740hrs, I contacted SDPD Sex Crimes Unit and spoke to Det. Webb. I gave Det. Webb the details and she advised me to continue with our report and if the victim wants to report something to SDPD they will make contact with her at that time.

BACKGROUND:

21 USD School of Law students were in New Orleans as part of a "Student Hurricane Network" group. USD donated money to the students to help them with the cost of the trip but the trip was not a USD sanctioned event. No faculty or staff from USD was present on this trip.

STATEMENTS of Jessica Brooder (Victim):

Brooder essentially told me the following:

Brooder told me that on 04/03/07 at about 2200hrs, she and a few other USD School of Law student (Easley, Rebecca Baker USD ID 3061418, Wacker and a few others) went out to dinner in New Orleans. Brooder said that she had 2 glasses of wine with dinner. Brooder stated that the group walked to a Jazz Club after dinner and saw a person singing. Brooder told me that the singer picked Baker out of the crowd to help him pick up tips. Brooder said that everyone was having a good time and taking pictures. Brooder stated that the group then walked to a night club/bar to dance. Brooder told me that on the way to the night club/bar, she had a "hand grenade" (alcoholic drink) and drank it on the way to the night club/bar. Brooder said she remembers going into the night club and walking up to the bar to order a drink. Brooder stated she did not remember what she ordered or what she had to drink. Brooder told me she remembers dancing with Baker and a few other girls in a group. Brooder said she did remember drinking a shot of some kind of alcoholic beverage that the waitress was bringing around to everyone. Brooder stated she was told by Easley that Wacker had bought them drinks, but she

Officer Capt Wacker, D.S.	ID#	DATE OF REPORT 000248
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does not remember that. Brooder told me she does not remember anything after drinking the shot the waitress was bringing around to everyone. Brooder said that the last thing she remembers was being in the hotel room with Easley and Baker. Brooder stated she remembers Easley and Baker looking very upset and wanting to call her boyfriend, Justin. Brooder told me she could not remember why they wanted to call Justin or what she had said or did earlier. Brooder said that she was on her period that day and had a tampon on. Brooder stated that when she was in the hotel room she did not have any vaginal pain, but because she was on her period she could not tell if her vaginal area had any extra areas that were bleeding. Brooder told me that she initially thought she was "super hung over" and her whole body was trembling. Brooder said she felt funny and everything seemed fuzzy the next day. Brooder stated she did speak with Wacker early the next day to find out what had happened the previous night. Brooder told me that Wacker said they had only kissed and nothing else happened. Brooder said she felt really bad about even kissing Wacker because she has a boyfriend. Brooder stated she did not change her tampon out until later in the day because she did not want to think about the situation or that something worse had happened. Brooder told me she wanted to leave New Orleans immediately and booked the earliest flight she could get at leaving at 1600hrs. Brooder said while she was at the airport, she decided to change her tampon. Brooder stated she noticed that her tampon was pushed deep inside of her. Brooder told me that is when she realized, Wacker had raped her because there is no other way her tampon would have been pushed so far inside of her. Brooder said it took 20 minutes to pull the tampon out because it was pushed so far up and because it was very painful.

Brooder said she has been very emotional over this entire incident and has not attended any of her classes. Brooder stated that she has met with Assistant Dean Carrie Wilson and Janet Madden of the Law School to brief them of her situation. Brooder told me she has been staying with her boyfriend and mother because she does not want to be alone. Brooder said her boyfriend's mother works for a drug and alcohol testing center and was able to get her in for a drug panel confirmation test on 04/06/07, which tests for "date rape drugs" as well as drugs.

STATEMENT OF Elizabeth Easley (Victim/Witness):

Easley essentially told me the following:

Easley said that a group of USD Law School students (Brooder, Baker, Wacker and a few others) went out for dinner in New Orleans around 2200hrs on 04/03/07. Easley stated that they all walked to a Jazz Club after dinner and bought "hand grenades" on the way. Easley told me when

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they arrived to the Jazz Club, she went to the restroom and the rest of the group went to the bar. Easley said when she came out from the restroom; she met the group at the bar. Easley stated that she is not sure how many drinks they all had, but she did remember buying Brooder a drink from the bar. Easley told me she remembers everyone drinking a shot of something, because it was only a dollar. Easley said the group left a short time later and walked down Bourbon St. Easley stated that they all heard some good music coming from a club and they all went inside. Easley told me she remembered leaving her bar tab open at the Jazz Club and walked back to take care of it. Easley said she came back to the club and started dancing with everyone from the group. Easley stated she remembered several guys trying to "pick-up" her friends on the dance floor so she had to step in and pull her friends away. Easley told me that sometime during the night Wacker had asked her and Brooder if they wanted something to drink. Easley said Wacker returned with a Vodka Tonic for Brooder and a Vodka/Cranberry for her. Easley stated she felt very dizzy after drinking the Vodka/Cranberry that Wacker bought her. Easley told me she stopped drinking alcohol at that point and only had water the rest of the night. Easley said at this time things become very fuzzy. Easley stated the next thing she remembered is being in the restroom with Brooder because Brooder was throwing up and she was holding her hair. Easley told me that after leaving the restroom, she only has flashes of the next events. Easley said that everyone was gone from the club when her and Brooder exited the restroom. Easley stated the next flash memory she had was being in the club then in their hotel lobby looking at Brooder in the face. Easley told me the next flash she had was lying on a bed with Brooder and a guy kneeling or sitting between them. Easley said she couldn't make out who the guy was. Easley stated her next flash was being in a bed with a guy straddling her. Easley told me she could not make out who it was only that it was a guy. Easley said her next flash is seeing both Brooder and Wacker naked and Wacker lowering himself on top of Brooder. Easley stated she could not tell if they were kissing or what was going on. Easley told me she kind of woke up and looked around the room to see who else was there. Easley said she got up and noticed she was only wearing her underwear. Easley stated she found her pants and said something like "I can't do this" and left the room. Easley told me said the room number was 1008. Easley said the next flash she had was talking to Baker in there room which was on the 7th floor. Easley stated she remembered Baker asking her where Brooder was and to go get her. Easley told me she had a flash memory and was standing in front of room 1008 pounding on the door until Wacker answered the door. Easley said Wacker was only wearing boxers and Brooder was naked on the bed. Easley stated she put on Brooder's cloths and got her out of the room. Easley told me she has a faint memory of sitting on the bed asking Wacker what had happened because Brooder wanted to know.

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Easley said Wacker would not talk to her and she said something like "I can't believe I stuck up for you" then ran out of the room. Easley stated she did not know why she even made a statement like that to him. Easley told me the next flash memory she had was rubbing the back of Brooder in their hotel room singing to her. Easley said she did not think Wacker had any sexual intercourse with her because her underwear was still on and it has been a while since she had sex with her long distance boyfriend and she would have know if something like that would have happened. Easley stated she was feeling the same symptoms as Brooder and was thinking of having the same kind of test as Brooder conducted. Easley told me she did not have any memory, but when she talked to Wacker later in the week, he told her that he only kissed them and felt them up. Easley also said that Wacker's room was very close to their room on the 7th floor and he had purchased a second room (1008) after bringing the two back to the hotel after being out all night.

STATEMENT OF Rebecca Baker (Witness):

Baker essentially told me the following:

Baker said that a group of people went out to eat then went dancing at a club. Baker stated that they were all there for about 4 hours. Baker told me she wanted to leave and another male from the group said he would walk back to the hotel with her. Baker said Brooder and Easley said they wanted to stay and Wacker said he would stay with them. Baker stated she told Wacker to make sure they all got back to the hotel safe. Baker told me that she was in her room sleeping when Easley came through the door around 0345hrs. Baker said she thought Easley was initially laughing, but then realized she was crying and on the phone with her boyfriend. Baker stated that she asked Easley where Brooder was. Baker told me that Easley seemed out of it and told her that she was in a room with Wacker and he was kissing her and she said she couldn't do this and ran out of the room. Baker said she asked Easley where Brooder was. Baker stated Easley told her that Brooder was having sex with Wacker in his room. Baker told me that she told Easley to go get Brooder and bring her back to the room. Baker said a few minutes later Easley and Brooder returned to the room with Baker. Baker stated that Brooder was not making any sense when she was talking. Baker told me Brooder had no idea what had happened and she wanted to call her boyfriend Justin. Baker said the next she tried to wake up Brooder but she was still out of it and feel back to sleep.

Baker said that the entire time everyone was together for dinner and dancing. Wacker seemed to

OFFICER: Capt Wacker, D.S.	ID#	DATE OF REPORT
Q. Kawahara	35604	00251 04-11-07

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be acting normal. Backer stated that he had been drinking, but he did not seem to be drunk.

EVIDENCE:

Copies of text messages. Transcribed voice mail message.

INJURIES:

No apparent injuries on Brooder or Easley.

PROPERTY DAMAGE:

None

FOLLOW-UP:

None

RELATED REPORTS:

None

OFFICER: Capt Wacker, D.S.	ID#	DATE OF REPORT
Q. Kawahara	35604	04-11-07

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CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)	DATE	DAY OF WEEK	TIME
Officer's Statement/Voice Mail	04/11/07	Wed	1200
LOCATION OF INCIDENT (OR ADDRESS)	CITY	BEAT	DISTRICT
5998 Alcalá Park	San Diego	P-1	USD

OFFICER'S STATEMENT:

The following is a transcribed message from Jessica Brooder's voice mail on her cell phone left by Douglas Wacker on 04/11/07 at 1200hrs.

"Hi Jess, it's Doug. Uh, just calling to see if everything is all right. Uh, I haven't seen you in class. If you could just give me a call back at 858-401-9392 I would appreciate it. Thanks, bye."

Officer: Capt Wacker, D.S.	ID#	DATE OF REPORT
Q. Kawahara	35604	04-11-07 000253

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CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)	DATE	DAY OF WEEK	TIME
Officer's Statement	04/12/07	Thur	0840
LOCATION OF INCIDENT (OR ADDRESS)	CITY	BEAT	DISTRICT
5998 Alcalá Park /	San Diego	P-1	USD

OFFICER'S STATEMENT:

On 04/12/07 at 0840hrs, I received a call from Asst. Dean Wilson, who received a call from Brooder advising that the initial drug panel confirmation test came back negative for any substances in her system. Asst. Dean Wilson told me that Brooder advised her that she is going to get a hair follicle test completed also and will let us know the out come from that test.

07-00296

07-119

SAN DIEGO REFERENCE LABORATORY

REFERRING AGENCY LABORATORY REFERENCE CENTER	LABORATORY REFERENCE CENTER
---	-----------------------------

TESTS

SPECIMEN TYPE: URINE SALIVA HAIR BLOOD OTHER (Identify)

STEP 1 - DONOR IDENTIFICATION TO BE COMPLETED BY COLLECTOR - Please Print

REASON FOR TEST (Check One)

LAST NAME: FIRST NAME: AOC REC NO: EMPLOYEE NO: DONOR ID: (SERVED)

PHOTO: EMPLOYER REPRESENTATIVE: DONOR NAME OF EMPLOYER REP:

REASON FOR TEST (Check One):
 PRE-EMPLOYMENT
 POST-EMPLOYMENT
 RANDOM
 PERIODIC
 REASONABLE CAUTION CAUSE
 RE-EMPLOYMENT
 OTHER

STEP 2 - COLLECTOR FOR URINE SPECIMENS, REAG TEMPERATURE WITHIN FOUR MINUTES OF COLLECTION. CHECK THE BOX IF TEMPERATURE IS WITHIN THE SPECIFIED RANGE.

REAG TEMPERATURE RANGE: 37.0°C - 42.0°C
 ACTUAL TEMPERATURE HERE:

STEP 3 - TO BE COMPLETED BY COLLECTOR

COLLECTION DATE: TIME: AM/PM: LOCATION:

REMARKS:

NOTE: The specimen collected on this form is the specimen requested. It is the responsibility of the collector to ensure that the specimen is properly labeled and sealed in the donor's presence.

COLLECTOR'S NAME: SIGNATURE: DATE:

STEP 4 - CHAIN OF CUSTODY

(SPACED AREAS MUST BE COMPLETED AT TIME OF COLLECTION)

MADE UP BY	RELEASED BY	RECEIVED BY	DATE
PROVIDE SPECIMEN			
SHIP SPECIMEN			

FOR RECEIVING LAB USE ONLY

SPECIMEN DATE: TIME: AM/PM: LOCATION: REMARKS:

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 Narrative

PAGE 1 OF 1	CASE NUMBER 07-00286
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CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) Statement of Douglas Wacker	DATE 04/12/07	DAY OF WEEK Thur	TIME 1033
LOCATION OF INCIDENT (OR ADDRESS) 5998 Alcalá Park /	CITY San Diego	BEAT P-1	DISTRICT USD

OFFICER'S STATEMENT:

On 04-12-07 at 1033hrs, Wacker came to the Public Safety office. I advised Wacker the reason for my contact with him was to inquire and obtain his statement of the events that occurred on 04/03-04/07 in New Orleans. Wacker asked me what I was investigating. I advised Wacker that I was investigating a complaint made against him because of some possible inappropriate actions of his that occurred while he was in New Orleans along with several other USD School of Law students. Wacker told me that he felt uncomfortable and was not prepared to give me a statement and declined to do so. At this time I ended our conversation, but advised Wacker he may want to contact Asst. Dean Wilson and possibly give her a statement since he did not want to speak with me. I also advised Wacker that Student Affairs is aware of the situation and maybe contacting him also.

Before leaving, I offered Wacker the services of the counseling center and told him he could call Public Safety anytime if he needed a counselor to talk with. Wacker declined any services. I also gave Wacker my business card and told him to call me if he has any question or wanted to provide a statement at a later date.

OFFICER U.S. Capt Wacker, D.S. O. Kawahara	ID# 25640	DATE OF REPORT 04 12 07 000256
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07-00286

33719

SAN DIEGO REFERENCE LABORATORY

REFERRING AGENCY [Faint text]	LABORATORY TESTING LOCATION [Faint text]
--------------------------------------	---

TESTS

[Faint text]

SPECIMEN TYPE URINE SALIVA HAIR BLOOD OTHER (Identify)

STEP 1 - DONOR IDENTIFICATION TO BE COMPLETED BY COLLECTOR - Please Print

REASON FOR TEST (check box)
 PRE EMPLOYMENT POST ACCIDENT
 RANDOM PERIODIC
 REASONABLE SUSPICION (ALIAS)
 RETURN TO DUTY
 OTHER

LAST NAME _____
 FRS NAME _____
 SOC. SEC. NO. _____
 EMPLOYEE NO. _____
 PHOTO ID

EMPLOYER REPRESENTATIVE SIGNATURE OF EMPLOYER REP _____

STEP 2 - COLLECTOR FOR URINE SPECIMENS, READ TEMPERATURE WITHIN FOUR MINUTES OF COLLECTION
 CHECK THE BOX IF TEMPERATURE IS WITHIN THE SPECIFIED RANGE YES NO N/A
 OR RECORD ACTUAL TEMPERATURE HERE _____

STEP 3 - TO BE COMPLETED BY COLLECTOR COLLECTION SITE _____

COLLECTION DATE _____ TIME _____

REMARKS _____

Verify that the specimen collected in this test is the specimen collected by the employee described in step 1 and was collected under the same conditions.

COLLECTOR'S NAME (PRINT) _____ SIGNATURE OF COLLECTOR _____

STEP 4 - CHAIN OF CUSTODY
 (SHADED AREAS MUST BE COMPLETED AT TIME OF COLLECTION)

PROVIDE SPECIMEN	RELEASED BY	RECEIVED BY	DATE
[Signature]	[Signature]	[Signature]	[Date]
SHIP SPECIMEN	[Signature]	[Signature]	[Date]

FOR RECEIVING LAB USE ONLY

LABORATORY RECEIVED DATE _____ TIME _____

LABORATORY RECEIVED BY _____

RECEIVED
 LABORATORY TESTING LOCATION
 DATE
 TIME

From: 6197292652@vtext.com
Sent: Wednesday, April 11, 2007 7:30 PM
To: Qkawahara@sandiego.edu
Subject: I hope you aren't mad.

I hope you aren't mad.

From: 6197292652@vtext.com
Sent: Wednesday, April 11, 2007 7:29 PM
To: Qkawahara@sandiego.edu
Subject: If you want to come

If you want to come back 1008.

From: 6197292652@vtext.com
Sent: Wednesday, April 11, 2007 7:27 PM
To: Qkawahara@sandiego.edu
Subject: If you want to talk

If you want to talk please tell me.

From: 6197292652@vtext.com
Sent: Wednesday, April 11, 2007 7:25 PM
To: qkawahara@sandiego.edu
Subject: Are you guys doing all

Are you guys doing all right? We need to talk.

From: 5205916150@VTEXT.COM
Sent: Wednesday, April 11, 2007 6:43 PM
To: Qkawahara@sandiego.edu
Subject: i am not trying to

i am not trying to be mean, but she needs to talk to me if she is concerned.

From: 5205916150@vtext.com
Sent: Wednesday, April 11, 2007 6:40 PM
To: Qkawahara@sandiego.edu
Subject: She does not-if u were

She does not-if u were worried, u would let her know without subjecting her to more pain.

From: 5205916150@vtext.com
Sent: Wednesday, April 11, 2007 6:38 PM
To: Qkawahara@sandiego.edu
Subject: If she wants to talk

If she wants to talk to me let me know.

From:

Sent: Thursday, April 12, 2007 10:14 AM

To: qkawahara@sandiego.edu

Subject: Elizabeth Easley-More things I remembered

Dear Lt. Quinton Kawahara,

Hello, my name is Elizabeth Easley and you took my statement yesterday along with Jessica Brooder and Becky Barker. After we left. Jess and I were talking and she reminded me of some events that I had previously forgotten about.

In regards to the text messages I sent you, I apologize for not mentioning them before. I am not sure why, but I forgot about them until yesterday when she said she was going to forward her text messages to you. As you saw, the times on those text messages were around 5am (they say 3 am, but that's Pacific time). I obviously must have been coherent enough at that time to be able to send that text message to him, but I honestly do not remember all of it. I can see myself staring at my phone and concentrating on text messaging, but if I did not have those text messages I could not tell you what he or I texted.

Jess also told me that I told her, on the morning of the 4th, that when I woke up and saw the guy straddling me (I'm assuming that is the flash of memory I have from the night where I see a guy straddling or sitting on top of me), I freaked out and didn't know how to get him off me, so I offered to give him a back massage. Then when he laid down on his stomach I massaged his soldiers while looking around and trying to figure out what was going on. I do not remember any of that, but when she told me that I had a flash of memory where Doug is on his stomach with his boxers on. I do not doubt that happened since I told her that-plus it sounds like something I would do. If I woke up anytime with a guy on top of me, I'd be scared to make him mad and would offer to do something like that to get him off me. I just find it so disturbing and odd that I don't specifically remember doing this-but if! ! any of that memory comes back I'll let you know.

Lastly, on the morning of the 4th when Doug came and talked to us he told us that during the night before, when we were in the Daiquiri place, I told him some guy in a yellow shirt was following us and was standing outside watching us. Once again, I do not remember saying that, but I do not doubt it since I always try to notice those type of things. Last night a bit of memory came back and I can see caucasian male, about 6 ft, short brn hair, and wearing a yellow button down collared shirt looking at me from behind a pillar, while talking on a phone, then going back behind the pillar to where I can't see him. I still can't recall the walk from the dance club 000265

to the daiquiri bar, or anything else in the daiquiri bar, but I do have that memory.

I do not know if any of this was pertinent, but I wanted to make sure to keep you updated on everything. I apologize again for the text messages, and if anything else comes back to me I will be sure to let you know. Thank you very much for your time.

Best Regards,
Elizabeth Easley

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com.

University of San Diego
 Department of Public Safety
FOLLOW-UP INVESTIGATION
 Narrative

PAGE	CASE NUMBER
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CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) 261(a)(3)PC Rape by Intoxication or Controlled Substance	DATE 04/03- 04/07	DAY OF WEEK Tue-Wed	TIME 2200- 0100
LOCATION OF INCIDENT (OR ADDRESS) Royal St. Charles Hotel 135 St. Charles Ave	CITY San Diego	BEAT P-1	DISTRICT USD

OFFICER'S STATEMENT:

On 05/11/07 at 1020hrs, I contacted the Royal St. Charles Hotel (504-587-3700) and spoke with a Lionel Jones who is the Front Desk Manager for the Royal St. Charles Hotel. I told Mr. Jones that I was calling in to follow up on a possible sexual assault case that occurred at the beginning of April involving USD students while they were visiting New Orleans. I also asked Mr. Jones if he could check his records and verify that USD student Douglas Wacker had checked into the Royal St. Charles Hotel. Mr. Jones verified that Wacker had checked into the Royal St. Charles Hotel on April 1st and checked out on April 7th. Mr. Jones also told me that Wacker checked into a second room on April 3rd and checked out of the second room on April 4th. Mr. Jones told me that he could not release any additional information unless Wacker was requesting the information or the police department issued a court document requesting the information.

U.S. v. Capt Wacker, D.S.	ID#	000267
OFFICER		DATE OF REPORT

Elizabeth Easley

Impact Statement

“What lies behind us and what lies before us are small matters compared to what lies within us”-Oliver Wendell Holmes

Nothing shows you more what lies within you then how you react to struggles in your life. I sat for hours thinking of what to write. I wrote pages upon pages describing what has changed in my life, what I have lost, and how I am feeling. Then I decided to start over.

I could go into great detail about losing my last month of my 1L year in law school, how my grades have suffered, and the moments with friends I have lost by not attending class or social events, all so I would not be near Doug. I could describe every sleepless night, headache, stomach ache, back ache, and panic attack. I could try and make you feel all of my confusion, fear, and anger that I have had to live with. But I do not want this statement to be solely about my struggles, because the ones in the past can not be changed and the ones I am still dealing with can only be changed by me. Instead, I want this statement to have an effect on the future, in the hopes that this will not occur again.

I do need to explain some of my past in order for some of my statements to be put into context. I dedicated almost 3 years to the Pima County Attorney's Office Victim Witness Program in Arizona as a crisis counselor on their mobile crisis unit. We would respond to calls from local law enforcement to provide crisis intervention for victims and witnesses of crime in Pima County. Some examples of our calls are domestic violence, homicide, armed robbery, and sexual assault calls. Due to our training, we also responded to crisis situations that did not involve crimes, such as suicides, dead on arrivals, and providing death notifications to loved ones. This experience helped me to see more of the “real world”, and caused me to deal with situations on a weekly basis that most people would only have to deal with a few times in their entire lifetime. Unfortunately, due to all of this training and exposure I believed I knew the best ways to stay safe and I had developed a false sense of security when it came to certain situations. That night in New Orleans was horrible, and I would not wish it on anyone, but I try and grow from every hardship, and I know this experience has helped me better understand myself as well as the feelings and obstacles victims have to encounter.

What happened that night in New Orleans was not ok. A friend took advantage of us, and betrayed the trust we and others had in him. I still find myself battling with the fact that I thought Doug was my friend, and that is what has hurt me the most. There have been numerous questions I have asked myself to try and determine what happened that night, to try and get some understanding of how this could happen. Was it evident that I was intoxicated? I can not say yes from firsthand knowledge given that I do not remember, but from what I have been told about my demeanor that night, people could tell and did know that I was intoxicated and was definitely not myself. So much so that one of my good friends, Becky, felt compelled to tell Doug to take care of me and Jess, and to get us home safely. Do I believe I was drugged that night? I can't answer that, but I do know something happened to me that night that has never happened before-I blacked out and do not remember most of the night-despite the fact that I have had much more to drink before. Was what occurred that night my fault? That is a resounding no. In order for me to have been at fault, I would need to have possessed some control over my

actions, which I know I did not. Of course I could say it is my fault-and in fact I believed it was my fault for a while. This is common in sexual assault victims, as they commonly play the "if only..." game. If only I hadn't drank, if only I had left earlier, if only I hadn't gone out. I felt that if only I had not drunk a thing all night and stayed the protector (my usual role), none of this would have happened. I felt that I of all people should know what to do to stay safe and I had failed because I had not kept myself, and more importantly my good friend, safe. I was actually thinking it was my fault because I went out that night and drank with friends, but I now know that does not matter. I have a right to go out with friends and drink, as does everyone. I also have a duty to keep myself safe, but sadly all of the things I learned to keep myself safe did not work. I went out with a group of people, I had a sober friend, I was with at least one other friend for the whole night, and we were walked back to the hotel by a friend, a guy, that we trusted. All of these safeguards fail though when you are not aware of what is going on and the friend you trust turns out to be untrustworthy. This is no one's fault but Doug's-the person who did have control over their actions that night.

Regardless of what decision is made today, Jess, most importantly Doug, and I know the truth. I know that I do not remember most of the night, I would never have done anything if I had control over my actions, and it was obvious to people that I was not alright. Jess knows she completely blacked out, she would not have done anything if she had control over her actions, and it was obvious that she was not alright. And Doug, Doug knows Jess and I were extremely intoxicated, we were not in a state of mind where we could give consent in such a way that we knew the extent of our actions and the repercussions, and he knows what decisions he made that night. In addition, his actions since that night have shown he does not feel remorse, and is not concerned about mine and Jess' well being, but merely with his own.

I have grown from this experience, and have been exposed to more parts of the "real world"-some good, and some bad. One thing that I know needs to change is the way sexual assault victims are helped in San Diego. No victim should have to endure what Jess and I have gone through just to get help, and I am determined to raise awareness for this problem. So, what is the way this has impacted me? Sure, I could list off all the struggles I have gone and am going through, and my possible fears for the future, but those are small things. I choose to focus on the way I have grown-I have become a little more cynical, much more compassionate, and extremely more determined to help victims receive the treatment they deserve. I have always wanted to be a prosecutor, to use my legal education to help and protect others, and I choose to use this experience to help me become a better prosecutor than I would have been without it. Even though I did not have a choice that night, I have a choice now, and these are choices I will never regret. Doug-I do not forgive you yet, but I hope to someday. No matter what decision is made today, you need to know that what you did in New Orleans was not ok. You did sexually assault me and rape Jess, and no decision will ever change that. I hope you have learned from this experience, and regardless of what happens today, you are truly the only one who can make sure you do not do this to anyone else again.

"What lies behind us and what lies before us are small matters compared to what lies within us"-Oliver Wendell Holmes

Signed,

U.S. v. Capt Wacker, D.S.

Clara M. G.

000269

Attorney /Client Privileged

HEARING PROCEDURE

Hearing board reviews the file.

Doug Wacker and an advisor are brought in and introductions are made.

An admonition regarding roles is made (if he brings an advisor): **Doug, the hearing board and any witnesses are the only participants that are to talk in this process. Doug's advisor is here as a support to Doug as provided for in our process. Doug's advisor does not have any other role in the process other than observation and the ability to debrief with Doug at the end of the hearing.**

This hearing process is an administrative process that seeks to determine whether University policy was violated and, if so, then appropriate sanctions are recommended to the Dean of Students.

An admonition regarding honesty is made: **All those present are reminded that this is an administrative process. No one is placed under oath, however, the University expects members of its' community to be honest and forthright. Being otherwise could be considered a violation of section II.2 of the University Code of Conduct.**

The process is reviewed: **The board has reviewed the file. We will ask questions of Doug as we find appropriate. Witnesses (and their advisors) will be brought in. Only the board directly asks witnesses questions. The board will excuse Doug and his advisor while they deliberate. Doug and his advisor are brought back in. At that point the board will communicate their finding of responsible or not responsible for violating University policy. If responsible, Doug and his advisor will be excused while the board reviews any prior violations and determines sanctions.**

Doug is asked **if he understands the policies he is accused of violating.**

Doug is given the opportunity to review the file. (He will most likely have reviewed the file immediately prior to the hearing ... this should be confirmed.)

Questions are asked of Doug.

The witnesses are brought in with their advisors. Prior to the witness, Doug is asked if there are any questions he would like the board to include (they will at their discretion). The witnesses are told the admonishment regarding honesty. **(No one is placed under oath, however, the University expects members of**

its' community to be honest and forthright. Being otherwise could be considered a violation of section II.2 of the University Code of Conduct.) The advisors are reminded of their role (The witness's advisors are here as a support to the witnesses as provided for in our process. The advisors do not have any other role in the process other than observation and the ability to debrief with the witnesses at the end of the hearing.

Doug is asked to step out for the board to deliberate. They make one of three decisions:

OPTION ONE – There is a preponderance of evidence that supports that the student violated University policy. (If so, which policies)

OPTION TWO - There is not a preponderance of evidence that supports that the student violated University policy.

OPTION THREE – The board needs more information to make a decision.

Doug is called back in and the decision is communicated.

If there is a finding of option one Doug is excused and the board deliberates regarding sanctions. Prior violations, if any, will be noted at this time.

Doug is called back in and the recommended sanctions are communicated verbally and Doug is told he will receive final notification of sanctions in writing from the Dean of Students.

The final appeal process is explained by Marie, as the advisor to the board, and Doug is told it can be found on-line sandiego.edu/discipline.

The board briefly debriefs the hearing.

Subject: Hearing on Thursday
From: Carrie Wilson <carrie@sandiego.edu>
Date: Mon, 18 Jun 2007 14:44:33 -0700
To: mminnick@sandiego.edu
CC: madden@sandiego.edu

Marie,

I will be out of the office starting tomorrow. However, Janet Madden has been working very closely with these students and would be the person that dean Cole would look to in order to follow up if anything additional would need to be done. Her campus telephone number is extension 2293 and her e-mail address is madden@sandiego.edu.

I am not taking a laptop this year to Hawaii as I spent somewhere between 1 1/2 to 2 hours per day doing work last year -- I am trying to see if that can be lessened if I don't have complete and direct access at all times. However, having said that, Wayne is taking his laptop, and you can reach me if you need to through his e-mail address: whw@photon.com. My cell # is (619) 733-4212. Reception is spotty, but I think last year it was better, so I'm sure it will work better this year too.

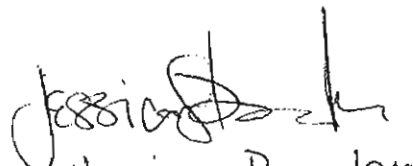
Let me or Janet know if there is anything we can do.

Carrie


Carrie R. Wilson, Assistant Dean
University of San Diego School of Law
5998 Alcala Park
San Diego, CA 92110
Telephone: (619) 260-6851

5.9.07

I, Jessica Brooder, give my permission for @ Adriana Molino in the USD counseling center to communicate with Marie Minnick regarding any information I have discussed with her.


Jessica Brooder

I also give permission for Marie Minnick to communicate with Patty Eichelberger about anything I have discussed with Patty in my therapy sessions.


JESSICA Brooder

Patty Eichelberger
(619) 977-4132

PATRICIA (PATTY) EICHELBERGER, MFT

Counseling Individuals, Couples and Families

619) 977-4132
License MFC38984

5100 Marlborough Dr
San Diego, CA 92116

Adriana Molina
Marybell Bradbury

Summer Class:
Evidence

Liz -
Jessica -

W-

I, Elizabeth M. Eastley, hereby give permission to Marie Minnick to discuss the sexual assault protocol & hearing, as well as any events that relate to this, with my counselor Maribel.

Elizabeth M. Eastley
Elizabeth M. Eastley

Subject: 07-00286
From: "Quinton Kawahara" <qkawahara@sandiego.edu>
Date: Fri, 11 May 2007 10:58:42 -0700
To: <mminnick@sandiego.edu>
CC: "Becca Torres" <beccat@sandiego.edu>

Marie,

You should have the follow up I conducted this morning with the Royal St. Charles Hotel. I also just got off the phone with Jessica Brooder and she told me that she did not have any additional witnesses. If you have further information please let me know and I will follow up with it.

Thank you,

Quinton Kawahara
Patrol Lieutenant/Training Coordinator
University of San Diego
Department of Public Safety
Hughes 135
Phone: (619) 260-7690
Fax: (619) 260-2241
www.sandiego.edu/safety

----- Forwarded message -----

From: JUSTIN MICKLISH - NAWL <jmicklish@naturewell.com>

Date: Mon, Sep 24, 2007 at 11:51 AM

Subject: FW: UPS Ship

1Z1872W40196313401

To: Jessica Brooder

.....

Justin C. Micklish
Director of Sales
NatureWell, Incorporated
110 West C Street
13th Floor
San Diego, CA 92101

(619) 234-0226 x201 : of
(619) 300-1384 : cp
(619) 234-0200 : fx

www.MigraSpray.com

----- Forwarded Message

From: "QuantumView" <QuantumViewNotify@ups.com>

Reply-To: auto-notify@ups.com

Date: Mon, 24 Sep 2007 14:50:26 -0400 (EDT)

To: jmicklish@naturewell.com

Subject: UPS Ship Notification, Tracking Number 1Z1872W40196313401

***Do not reply to this e-mail. UPS and NatureWell will not receive your reply.

This message was sent to you at the request of NatureWell to notify you that the package information below has been transmitted to UPS. The package(s) may not have actually been placed with UPS for shipment. To verify when and if the shipment is tendered to UPS and its actual transit status, click on the tracking link below or contact NatureWell directly.

Important Delivery Information

Scheduled Delivery: 25-September-2007

Shipment Detail

Ship To:
DETECTIVE NEELY
DETECTIVE NEELY
401 CITY PARK AVE
NEW ORLEANS

LA
701194322
US

Number of Packages:1
UPS Service:NEXT DAY AIR
Weight:2.0 LBS

Tracking Number:1Z1872W40196313401
Reference Number 1:UPS000000000000000001 Reference Number 2:Jessica
Brooder

Click here

<http://wwwapps.ups.com/WebTracking/processRequest?HTMLVersion=5.0&Requester=NES&AgreeToTermsAndConditions=yes&loc=en_US&tracknum=1Z1872W40196313401>
<http://wwwapps.ups.com/WebTracking/processRequest?HTMLVersion=5.0&Requester=NES&AgreeToTermsAndConditions=yes&loc=en_US&tracknum=1Z1872W40196313401> to track if UPS has received your shipment or visit
http://www.ups.com/WebTracking/track?loc=en_US on the Internet.

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----- End of Forwarded Message

----- Forwarded m
From: Jessica Brooder
Date: Fri, Sep 14, 2007 at 8:37 AM
Subject: I'm not sure if you can read this....Itinerary
To:

close window

<http://www.cheaptickets.com/App/ViewPrintOTP?null&retrieveParams=true&z=7844&r=e6#>

Print

New Orleans 9/22/07

Flight reservation

CheapTickets record locator:

AP270301KDJTXYMF

Airline record locator:

American Airlines - HSZFGP

Continental Airlines - CY7TZD

Ticket numbers:

not yet available

<http://www.cheaptickets.com/shared/pagedef/content/air/ticketNotYetAvailable.jsp?popupsDisabled=false>

Total flight cost:

\$854.20 USD

Security update:

Airports and airlines now require that you obtain a boarding pass before entering the security checkpoint. security rules

http://faq.cheaptickets.com/cgi-bin/cheaptickets_faq.cfg/php/enduser/std_adp.php?search=1&p_faqid=1354&headline=Airport+security+rules&popupsDisabled=false

Traveler(s)

Frequent flier details

JESSICA BROODER

ELIZABETH EASLEY

Leave

Saturday, September 22, 2007

American Airlines 1020

Depart:

7:25am

morning
San Diego, CA
San Diego Lindberg Fld S.Diego (SAN)
Arrive:
12:15pm
afternoon
Dallas/Fort Worth, TX
Dallas/Fort Worth International (DFW)

Economy | McDonnell Douglas MD-80 (M80) | 2hr 50min | 1174 miles

Seats: 28E, 28D

Seats are confirmed.

No plane change. Time between flights: 0hr 45min American Airlines 1020

Depart:
1:00pm
afternoon
Dallas/Fort Worth, TX
Dallas/Fort Worth International (DFW)
Arrive:
2:25pm
afternoon
New Orleans, LA
New Orleans Louis Armstrong Int'l (MSY)

Economy | McDonnell Douglas MD-80 (M80) | 1hr 25min | 447 miles

Seats: 28E, 28D

Seats are confirmed.

Total duration: 5hr 0min | Total miles: 1621 miles

Return
Sunday, September 23, 2007
Continental Airlines 862
Depart:
7:10am
morning
New Orleans, LA
New Orleans Louis Armstrong Int'l (MSY)
Arrive:
8:20am
morning
Houston, TX
Houston George Bush Intercntl. (IAH)

Economy | Boeing 737-300 Passenger (733) | 1hr 10min | 310 miles

Your flight is confirmed. The airline is assigning seats at check-in.

Change planes. Time between flights: 1hr 5min

Continental Airlines 739
Depart:
9:25am
morning
Houston, TX
Houston George Bush Intercontl. (IAH)
Arrive:
10:47am
morning
San Diego, CA
San Diego Lindbergh Fld S.Diego (SAN)

Economy | Boeing 737-900 Passenger (739) | 3hr 22min | 1306 miles

Your flight is confirmed. The airline is assigning seats at check-in.

Total duration: 5hr 37min | Total miles: 1616 miles

Ticket information

The ticket type for this reservation is an e-ticket. No ticket will be mailed to you. More about e-tickets
<<http://www.cheaptickets.com/shared/pagedef/content/air/etickets.jsp?pupsDisabled=false>>

Flight cost summary

Airfare, JESSICA BROODER (Adult)
\$422.11

Airfare, ELIZABETH EASLEY (Adult)
\$422.11

Service fee
\$9.98

Total trip cost
\$854.20USD

Print

close window
<<http://www.cheaptickets.com/App/ViewPrintOTP?null&retrieveParams=true&z=7844&r=e6#>>

----- Forwarded message -----

From: US Airways <reservations@myusairways.com>
Date: Wed, Apr 4, 2007 at 2:15 PM
Subject: US Airways Travel Confirmation
To:

Please add reservations@myusairways.com to your personal address book to ensure delivery. Please do not reply to this e-mail.

<http://images.usairways.com/newEmail/template/sHeader_travelConf.jpg>

Save Airport Time:

* Web Check-In

<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059601/H/http%3A%2F%2Fwww.usairways.com%2Ffawa%2Fwebcheckin%2Fdefault.aspx%3Fredir%3DEmail%26c%3Deml_sys_travelConf_00000000_webCheckIn>

* Baggage

<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059602/H/http%3A%2F%2Fwww.usairways.com%2Ffawa%2Fcontent%2Ftraveltools%2Fbaggage%2Fdefault.aspx%3Fredir%3DEmail%26c%3Deml_sys_travelConf_00000000_baggage>

* International Travel

<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059603/H/http%3A%2F%2Fwww.usairways.com%2Ffawa%2Fcontent%2Ftraveltools%2Ftraveltips%2Fintltravel.aspx%3Fredir%3DEmail%26c%3Deml_sys_travelConf_00000000_internationalTravel>

Quick Links:

* Purchase Tickets

<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059604/H/http%3A%2F%2Fwww.usairways.com%2Ffawa%2Fbooking%2FTripDetail.aspx%3Fbook%3Dnew%26redir%3DEmail%26c%3Deml_sys_travelConf_00000000_purchaseTickets>

* Car Reservations

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* Hotel Reservations

<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059606/H/http%3A%2F%2Fwww.usairways.com%2Ffawa%2Fhotels%2Fsearchhotels.aspx%3Fredir%3DEmail%26c%3Deml_sys_travelConf_00000000_hotelReservation>

* Travel Protection

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Dividend Miles:

<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059609/H/http%3A%2F%2Fwww.usairways.com%2Ffawa%2Fcontent%2Fdividendmiles%2Fdefault.aspx%3Fredir%3DEmail%26c%3Deml_sys_travelConf_00000000_dmSideLink>

* Join Now
<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059610/H/https%3A%2F%2Fwww.usairways.com%2Fawa%2Fprofiles%2Fenterprofileinfo.aspx%3Fredir%3DEmail%26c%3Deml sys travelConf 00000000 joinNow>>

* My Dividend Miles
<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059611/H/http%3A%2F%2Fwww.usairways.com%2Fawa%2Fprofiles%2Floginprofile.aspx%3Fredir%3DEmail%26c%3Deml sys travelConf 00000000 myDividendMiles>>

* Book Award Travel
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* Member Benefits
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* All About Preferred
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* Earn More Miles
<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059615/H/http%3A%2F%2Fwww.usairways.com%2Fawa%2Fcontent%2Fdividendmiles%2Fearnmiles%2Fdefault.aspx%3Fredir%3DEmail%26c%3Deml sys travelConf 00000000 earnMoreMiles>>

* Buy Miles
<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059616/H/http%3A%2F%2Fwww.usairways.com%2Fawa%2Fcontent%2Fdividendmiles%2Fprogramdetails%2Fpurchasemiles%2Fbuymiles.aspx%3Fredir%3DEmail%26c%3Deml sys travelConf 00000000 buyMiles>>

* US Airways Credit Cards
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* Star Alliance
<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059618/H/http%3A%2F%2Fwww.usairways.com%2Fawa%2Fcontent%2Fdividendmiles%2Fprogramdetails%2Fstaralliance%2Fdefault.aspx%3Fredir%3DEmail%26c%3Deml sys travelConf 00000000 starAlliance>>

* US Airways Club
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* Upgrades
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Learn More
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<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059622/H/http%3A%2F%2Fwww.mostmiles.com%2Fapp%2Fjapply%2Fflp%2Fdomains%2Fmostmiles.jsp%3Fsource%3Dconfirmpg>>

<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059623/H/http%3A%2F%2Fwww.bankofamerica.com%2Fadtrack%2Findex.cgi%3Fadlink%3D000309029i397920d341>>

Travel Confirmation: E8QSB2

Thank you for flying US Airways. Your purchase is now complete and your reservation has been electronically ticketed. No paper tickets will be sent. For customer assistance, please call 800-428-4322.

Download your reservation to Outlook

<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059625/H/http%3A%2F%2Fwww.usairways.com%2Fawa%2Fmanagereservation%2FDownloadReservationCalendar.aspx%3FConfirmationNumber%3DE8QSB2%26DepartureDate%3D04042007%26redir%3DEmail%26c%3Deml sys travelConf 00000000 OutlookI tin>>

CONFIRMATION E8QSB2
Date Issued 04/04/07 at 01:58 PM
Form of Payment Visa *****2703
Grand Total \$342.70

<<http://www.usairways.com/awa/content/travelplanning/cars/budget.aspx>>

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Access America can help protect you from losing prepaid deposits and paying additional expenses caused by unexpected cancellations or trip interruptions. Put your mind at ease - buy your coverage now!

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Passenger Information

Party of 1	Dividend Miles #	Ticket #	Seat #
JESSICA BROODER	3721324371332	11E, 26C, 10C	

Flight Itinerary

Depart	Flight #	From	To	Arrive	Details
05:30 PM					
Wed, Apr 04	1634	New Orleans, LA			
Boeing 737-400		Charlotte, NC		08:14 PM	
Wed, Apr 04	Meal: None				

Class: Coach

http://images.usairways.com/newEmail/template/transparent_lx1.gif

09:30 PM

Wed, Apr 04 709 Charlotte, NC

Boeing 757-200 Las Vegas, NV 11:13 PM

Wed, Apr 04 Meal: None

Class: Coach

http://images.usairways.com/newEmail/template/transparent_lx1.gif

11:59 PM

Wed, Apr 04 532

http://images.usairways.com/newEmail/template/awexpress_15x15.gif

Las Vegas, NV

Airbus A320 San Diego, CA 01:09 AM

Thu, Apr 05 Meal: None

Class: Coach

http://images.usairways.com/newEmail/template/transparent_lx1.gif

http://images.usairways.com/newEmail/template/awexpress_15x15.gif

Flight operated by America West Airlines

1 Passenger(s)

Fare \$297.68

Taxes & Fees \$45.02

Grand Total \$342.70

http://images.usairways.com/newEmail/template/transparent_lx1.gif

Need luggage or travel accessories for your trip? Visit the Dividend Miles Shopping Mall

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and earn up to 10 miles per dollar spent!

Terms and Conditions

- * Ticket expires one year from date of issue.
- * Ticket is non-transferable.

- * Ticket is non-refundable.
- * Unused tickets must be cancelled by midnight on the date of departure to retain value.

- * Any change to this reservation (including flight, dates, or cities) is subject to a \$100.00 change fee per passenger. The new itinerary will be priced at the lowest available published fare at the time of change, which may result in a fare increase.

Travel Tips

- * Your electronic ticket has been issued. Neither a paper ticket nor receipt will be sent by U.S. Mail. An electronic receipt has been

sent to the e-mail address provided. Please print this itinerary and bring it to the airport when you check-in.

* Enhanced security regulations require all passengers to have a boarding pass prior to reaching the security checkpoint. Please arrive at the airport

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* Go to usairways.com

<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059628/H/http%3A%2F%2Fwww.usairways.com%2Ffawa%2Fcontent%2Ftraveltools%2Ftraveltips%2Ftraveltips.aspx%3Fredir%3DEmail%26c%3Deml sys travelConf 00000000 travelTips>> for a list of travel tips.

* Please take a look at our baggage and carry-on policies

<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059629/H/http%3A%2F%2Fwww.usairways.com%2Ffawa%2Fcontent%2Ftraveltools%2Fbaggage%2Fdefault.aspx%3Fredir%3DEmail%26c%3Deml sys travelConf 00000000 baggagePoliciesTips>> before departing for the airport.

* If you are traveling internationally, please review our international travel tips

<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059630/H/http%3A%2F%2Fwww.usairways.com%2Ffawa%2Fcontent%2Ftraveltools%2Ftraveltips%2Fintltravel.aspx%3Fredir%3DEmail%26c%3Deml sys travelConf 00000000 internationalTravelTips>> for required documentation and baggage limitations.

* Please cancel your reservation if there is a change in your travel plans. Failure to cancel a confirmed booking will result in the automatic cancellation of your entire itinerary.

* Bypass the ticket counter-use Web Check-In. Check-in and print your boarding passes online as early as 24 hours and up to 90 minutes prior to your scheduled departure time-even if you're checking bags. You can also upgrade to first class and change your seat assignment(s). Learn more

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Rules of Carriage

* To view, download or print the full document, visit the Contract of Carriage

<<http://myusairways.com/resp/takeme.asp?b=110&82059598/5672269363/82059632/H/http%3A%2F%2Fwww.usairways.com%2Ffawa%2Fcontent%2Faboutus%2Fcustomersfirst%2Fcontractofcarriage.aspx%3Fredir%3DEmail%26c%3Deml sys travelConf 00000000 contractCarriage>> page.

A Star Alliance

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San Diego Reference Laboratory

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April 8, 2010

To: Captain E.S. Day, Trial Counsel
From: Kimberly Michelle, San Diego Reference Laboratory
Re: SDRL Accession: C656982

Mr. Day,

In response to your questions sent via email letter April 7, 2010;

1. It is our understanding that our client (through whom Ms. Brooder tested) is an outpatient substance abuse and counseling facility.
2. Immunoassay only: none of the tested substances were at a level that would cause the initial immunoassay to screen positive and then reflex to a GC/MS.
3. No tests were requested or performed for
 - a. Flunitrazepam (Rohypnol)
 - b. Y-Hydroxybutyric Acid (GHB)
 - c. Ketamine
 - d. Diphenhydramine (Benadryl)
 - e. Zolpidem (Ambien)
 - f. Scopolamine
4. None of the items in question 3 were requested or would trigger a positive result for the panel of tests requested or performed.

Sincerely,



Kimberly Michelle
San Diego Reference Laboratory