



UNITED STATES MARINE CORPS

MARINE CORPS AIR STATION MIRAMAR
JOINT LAW CENTER
P.O. BOX 452022
SAN DIEGO, CALIFORNIA 92145-2022

IN REPLY REFER TO:
5800
MJO/ED
1 Jul 10

From: Trial Counsel
To: Defense Counsel

Subj: RESPONSE TO DEFENSE REQUEST FOR DISCOVERY IN THE CASE OF
UNITED STATES V. CAPT DOUGLAS WACKER, XXX XX 3913 USMC

Ref: (a) MCM (2008 ed.)
(b) Defense ltr 5800 dtd 18 Jun 10

1. The government responds as follows to the defense request for production of evidence. The letters in this response correspond to the requests in paragraph 2 of the defense letter.

a. These items will be provided in accordance with the trial schedule.

b. Will be provided in accordance with the trial schedule.

c. The government is aware of no other such information at this time that has not been previously provided to the defense.

d. The government is aware of no other such information at this time that has not been previously provided to the defense. With regard to physical evidence, any request to examine the physical evidence may be made through the trial counsel at 858-577-1887 (DSN 267-1887).

e. The government is aware of no other such information at this time that has not been previously provided to the defense.

f. The government is aware of no other such information at this time that has not been previously provided to the defense.

g-h. The government will comply with its obligations to provide known impeachment material.

i. The government is aware of no other such information at this time that has not been previously provided to the defense.

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- j. The government will comply with its obligations to provide known impeachment material.
- k. The government is aware of no other such information at this time that has not been previously provided to the defense.
- l. The request is denied as overbroad.
- m. Omitted from defense request.
- n. The government will comply with its obligations to provide known impeachment material.
- o. The request is denied. The requested information is irrelevant and therefore unnecessary.
- p-q. Omitted from defense request.
- r. This information has already been provided to the defense.
- s. The request is denied. The requested information is irrelevant and therefore unnecessary. Additionally, the requested investigation is not a means of discovery governed by the Manual for Courts-Martial.
- t-z. The request is denied. The requested information is irrelevant to the current proceedings and therefore unnecessary.

2. The request for a Bill of Particulars is denied. See RCM 906(6), discussion.

3. The government understands the defense request to be continuing in nature.

4. **Request for reciprocal discovery:** Pursuant to R.C.M. 701(b), the government hereby requests that the defense provide the government with the following, as soon as possible:

- a. The names and addresses of all witnesses the defense intends to call during the defense case-in-chief and pre-sentencing proceedings;

- b.. Copies of any sworn or signed statements known by the defense to have been made by any such witnesses;

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c. Copies of, or access to, any written material that will be presented by the defense at the pre-sentencing proceedings;

d. Copies of, or access to, any books, papers, documents, photographs, tangible objects, which the defense intends to introduce as evidence in the case-in-chief at trial; and

e. Copies of, or access to, any reports of examination and tests conducted pursuant to the reference, if applicable.

5. Response to the defense witness request will be provided by separate correspondence.

//s//
E. S. DAY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on detailed defense counsel by electronic mail on 1 Jul 10.

//s//
E. S. DAY