



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

IN REPLY REFER TO:

5801
DEF
29 JUN 10

From: Defense Counsel
To: Commanding General
Via: Staff Judge Advocate

Subj: REQUEST FOR EXPERT CONSULTATION IN THE MATTER CONCERNING
U.S. V. CAPT DOUGLAS WACKER, USMC, XXX-XX-9313 [OBYN]

Ref: (a) Manual for Courts Martial, 2008 Edition, RCM 702(d)
(b) Manual for Courts Martial, 2008 Edition, MRE 706(a)
(c) Charge Sheet, ICO U.S. v. Capt Wacker

Encl: (1) Curriculum Vitae for William M. Leigninger, CAPT, USN

1. Per References (a) and (b), the Defense respectfully requests the employment of CAPT Leigninger, USN, a licensed medical doctor and OBYN physician as a Defense Expert Consultant. If this request is approved, the Defense would have the option to later designate Dr. Leigninger as a Defense Expert Witness for testimony at trial.

2. Per Reference (c), the Accused faces a General Courts-Martial due to alleged Article 120, sexual assault, violations against two female civilians. One of these female civilians alleges that she had sexual intercourse with the Accused because "she noticed that her tampon was pushed deep inside her...she realized, Wacker had raped her because there is no other way her tampon would have been pushed so far inside of her...it took 20 minutes to pull the tampon out because it was pushed so far up and because it was very painful." This female civilian has no memory that sexual intercourse with the accused even occurred.

3. As indicated by enclosure (1), Dr. Leigninger has a wealth of experience in evaluating and analyzing all matters relating to female anatomy and specifically gynecological issues. He has personally reviewed instances where female patients had tampons pushed far up their vaginal canals and sexual intercourse was not the cause. This case involves complex gynecological issues that can only be explained and evaluated by medical experts in that field.

4. A key piece of Government evidence in its case that the Accused allegedly raped a female civilian is that female civilian's testimony that sexual intercourse with the Accused caused her tampon to be pushed up her vaginal canal. Only a licensed gynecologist with medical training can offer consultation and opine as to whether or not this is possible or even likely. It is therefore necessary for the administration of justice and the courts-martial process that the Defense receives an expert consultant who can explain this information within the province of the attorney/client relationship. As a licensed medical doctor, Dr. Leigninger would also offer

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consultation services to the Defense as to all other medical issues
surrounding this case.

5. As Dr. Leigninger is a government employee, there would be no fees
incurred for approving this request. Dr. Leigninger can be contacted as
follows:

William M. Leininger, CAPT, USN
william.leininger@med.navy.mil
Office 6195329596
Pager 8882135438
Cell 7608076923

6. The Defense respectfully requests that the Government response to this
correspondence be made in writing. Thank you in advance for your time and
attention to this matter.



C. P. HUR