



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH BOMB WING (ACC)
DYESS AIR FORCE BASE, TEXAS

5 August 2011

MEMORANDUM FOR CONVENING AUTHORITY


FROM: 7 BW/JA

SUBJECT: Request for Expert Consultant Witness (Forensic Psychiatrist) –
U.S. v. 1st Lt Patrick T. Burke

1. Pursuant to Rule for Courts-Martial 703(d), the Government requests the Convening Authority authorize and appoint Dr. Joseph D. Villacis, a Forensic Psychiatrist, to the Government, in the case U.S. v. 1st Lt Patrick T. Burke.
2. In an undated memorandum from the 7 MDOS/SGOW, hereinafter the Results of Sanity Board short report, the Mental Health Flight Commander, the Chief of Psychiatry Services, and the Chief of Medical Staff, hereinafter the doctors, found that the accused had a severe mental disease or defect at the time of the alleged criminal conduct. Specifically, the doctors found that the accused was suffering from such a mental defect that he was not able to appreciate the nature and consequences of his conduct.
3. Dr. Villacis' expertise is required to assist the Government in understanding how the clinical diagnosis of "DSM-IV: Axis I: 292.81 Other Substance-Induced Intoxication Delirium, Dexedrine and Alcohol V69.4 Lack of Adequate Sleep" may provide the accused with a defense of lack of mental responsibility considering the doctors found the Accused had a mental disease or defect at the time of the alleged criminal conduct.
4. The Government estimates requiring Dr. Villacis' services for 1 day prior to trial and 4 days of trial consultation and potential testimony. Dr. Villacis' is currently on active duty service with the United States Air Force at the Air Force Medical Operations Agency, San Antonio, Texas. The cost to the Government for Dr. Villacis' services will be limited to the cost of his travel and per diem while at Dyess Air Force Base, Texas.
4. For the reasons set forth above, the Government respectfully requests that the Convening Authority authorize and appoint Dr. Joseph D. Villacis to assist the Government in the case of U.S. v. 1st Lt Patrick T. Burke.
5. If Dr. Villacis' appointment is approved, the Government respectfully requests that the Convening Authority reverse his original decision regarding the Defense's request for the employment of COL David M. Benedek. COL Benedek would act as a confidential expert consultant in the field of forensic psychology to assist the Defense in the case of U.S. v. 1st Lt Patrick T. Burke. Similar to Dr. Villacis, COL Benedek is currently on active duty service with the United States Army. The cost to the Government for COL Benedek's services will be

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limited to the cost of his travel and per diem while at Dyess Air Force Base, Texas and any cost associated with his assessment of 1st Lt Burke.



DUSTIN B. KOUBA, Capt, USAF
Trial Counsel

5 Attachments:

1. Lt Col Joseph D. Villacis' Curriculum Vitae
2. U.S. v. Burke - Sanity Board Short Report
3. Defense Request for Expert Consultant dated 15 July 2011
4. Denial of Request for Expert Consultant dated 27 July 2011
5. Funding Request Form

cc:

1. 12 AF/JA
2. Defense Counsel Neal A. Puckett, Haytham Faraj, and Capt Ranae Doser-Pascual