



UNITED STATES MARINE CORPS

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IN REPLY REFER TO:
5800
MJ
23 Mar 11

REPORT OF RESULTS OF TRIAL

From: Trial Counsel
To: Commanding General, Third Marine Aircraft Wing
Subj: REPORT OF RESULTS OF TRIAL

1. Pursuant to R.C.M. 1101(a) and 1304(b)(2)(f)(v), MCM, 2008 ed., notification is hereby given in the case of U.S. v. CAPTAIN DOUGLAS S. WACKER XXX XX 3913/0602, USMC, a trial by General Court-Martial at Camp Pendleton, CA, convened by the Commanding General, Third Marine Aircraft Wing.
2. Offenses, pleas, and findings:

a. Charges & Specifications / Pleas & Findings

<u>Offense(s):</u>	<u>Plea(s):</u>	<u>Finding(s):</u>
Charge I: Viol of the UCMJ, Art 120	NG	NG
Spec: On active duty, did, at or near New Orleans, Louisiana, on or about 3 April 2007, rape Jessica Brooder.	NG	NG
Charge II: Viol of the UCMJ, Art 133	NG	G
Spec 1: on active duty, did, at or near New Orleans, Louisiana, on or about 3 April 2007, act in a manner unbecoming of an officer and gentlemen, to wit: committing an indecent assault upon Ms. Elizabeth Easley, a woman not his wife, by straddling the said Ms. Easley by placing his legs on either side of her body, while he knew or should have known that the said Ms. Easley was so significantly intoxicated and mentally and physically impaired as a result of said intoxication that a reasonable officer in the Naval service would have recognized that there was a substantial likelihood that she was incapable of knowingly and voluntarily consenting to any sexual contact.	NG	NG

Spec 2: On active duty, did, at or near New Orleans, Louisiana, on or about 3 April 2007, act in a manner unbecoming of an officer and gentlemen, to wit: by wrongfully engaging in sexual intercourse with Ms. Jessica Brooder while he knew, or should have known that Ms. Brooder was so significantly intoxicated and mentally and physically impaired as a result of said intoxication that a reasonable officer in the Naval service would have recognized that there was a substantial likelihood that she was incapable of knowingly and voluntarily consenting to sexual intercourse.

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NG

Spec 3: On active duty, did, at or near San Diego, California, on or about 21 June 2007, while the said Captain Wacker was a student at the University of San Diego School of Law in the Marine Corps Excess Leave Program (Law), with intent to deceive, make a false statement before a Critical Issues Board at the University of San Diego in the case of the said Captain Wacker, to wit: that he did not have sexual intercourse with Jessica Brooder on or about 3 April 2007, or words to that effect, which statement was totally false, and was then known by the said Captain Wacker to be so false, and which conduct was unbecoming of an officer and a gentlemen.

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b. Any preferred charge withdrawn before or at trial: YES. Charge I: Violation of the UCMJ, Article 80 (attempted rape of Elizabeth Easley), and Specification 1 of Charge II: Violation of the UCMJ, Article 133 (conduct unbecoming an officer by attempting to engage in sexual intercourse with Elizabeth Easley while she was incapacitated).

c. Partial acquittal based on mental incompetence: NO.
(include a brief description of offenses charged)

(Note: If an accused is found incompetent to stand trial or not guilty of all charges and specifications by reason of lack of mental responsibility and a Report of Results of Trial would not otherwise be completed, then the trial counsel must inform the Navy-Marine Corps Appellate Review Activity (Code 40), 716 Sicard Street, SE, Suite 1000, Washington Navy Yard, DC 20374-5047.)

3. Forum: Members

4. Sentence adjudged (if specific sentence provision does not apply indicate "NA"):

Discharge (Dismissal, DD, BCD)	None
Confinement	None
Hard Labor w/out confinement	None
Reduction	None
Forfeiture	None
Reprimand	None
Other	No punishment. Members recommended non-judicial punishment in lieu of approving the findings.

5. Date sentence adjudged: 11 Mar 11.
6. Automatic forfeitures apply: No.
7. Credits to be applied to confinement, if any: None.
8. Terms of pretrial agreement concerning sentence, if any: N/A.
9. Upon Convening Authority's action in this case, sex offender notifications may be required per 42 U.S.C. § 14071: No.
10. Collection of a DNA sample from the accused is required per 10 U.S.C. § 1565: Yes. If collection is required, collection may be effected before the Convening Authority acts pursuant to Under Secretary of Defense for Personnel and Readiness memo of 18 April 2005.



E. S. DAY

Distribution:
 Convening Authority
 Commanding Officer of accused
 CO/OIC of brig (if confinement adjudged)
 PDS/Unit Diary Clerk
 Disbursing Office
 Record of trial
 Officer exercising general courts-martial jurisdiction