

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (<i>Last, First, MI</i>) WACKER, DOUGLAS S.			2. SSN 538 08 3913	3. GRADE OR RANK CAPT	4. PAY GRADE 0-3
5. UNIT OR ORGANIZATION HEADQUARTERS AND SERVICE BATTALION, MCRD, SAN DIEGO, CA				6. CURRENT SERVICE	
				a. INITIAL DATE 12 OCT 05	b. TERM Indef
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL			
\$5358.00	NONE	\$5358.00	NONE		NONE

II. CHARGES AND SPECIFICATIONS

CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 80

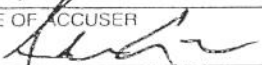
Specification: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near New Orleans, Louisiana, on or about 3 April 2007, attempt to rape Elizabeth Easley.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 90

Specification: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, having received a lawful command from Lieutenant Colonel Bond, U.S. Marine Corps, acting commanding officer, Headquarters and Service Battalion, Marine Corps Recruit Depot, San Diego, California, his superior commissioned officer, then known by the said Captain Douglas S. Wacker, to not contact or speak to Ms. Elizabeth McShan or potential witnesses about the ongoing investigation involving Captain Wacker, or words to that effect, did, on diverse occasions, at or near San Diego, California on or about January 2009, willfully disobey the same.

(CONTINUED ON SUPPLEMENTAL PAGE 1)

III. PREFERRAL

11a. NAME OF ACCUSER (<i>Last, First, MI</i>) GUERRA, ARIAN	b. GRADE CPL	c. ORGANIZATION OF ACCUSER HQSVCBN, MCRD SAN DIEGO, CA
d. SIGNATURE OF ACCUSER 		e. DATE 4/16/09

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 16 day of April, 2009, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

ZENON W. KESKE
Typed Name of Officer

HQSVCBN, MCRD SAN DIEGO, CA
Organization of Officer

CAPTAIN
Grade

TRIAL COUNSEL
*Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)*


Signature

SUPPLEMENTAL CHARGE SHEET 1

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)	2. SSN	3. GRADE OR RANK	4. PAY GRADE
WACKER, DOUGLAS S.	538 08 3913	CAPT	0-3

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 120

Specification 1: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near New Orleans, Louisiana, on or about 3 April 2007, rape Jessica Brooder.

Specification 2: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near Seattle, Washington, on or about December 2006, rape Nicole Cusack.

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 128

Specification 1: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near New Orleans, Louisiana, on or about 3 April 2007, commit an assault upon Ms. Jessica Brooder by drugging her with a means likely to produce death or grievous bodily harm, to wit: by wrongfully adding an intoxicant to her drink.

Specification 2: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near New Orleans, Louisiana, on or about 3 April 2007, commit an assault upon Ms. Elizabeth Easley by drugging her with a means likely to produce death or grievous bodily harm, to wit: by wrongfully adding an intoxicant to her drink.

Specification 3: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near Seattle, Washington, on or about December 2006, commit an assault upon Ms. Nicole Cusack by drugging her with a means likely to produce death or grievous bodily harm, to wit: by wrongfully adding an intoxicant to her drink.

CHARGE V: VIOLATION OF THE UCMJ, ARTICLE 133

Specification 1: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near New Orleans, Louisiana, on or about 3 April 2007, acted in a manner unbecoming of an officer and gentlemen, to wit:

By assaulting Ms. Jessica Brooder by wrongfully drugging her by adding an intoxicant to her drink which was done by a means likely to produce death or grievous bodily harm.

(CONTINUED ON SUPPLEMENTAL PAGE 2)

SUPPLEMENTAL CHARGE SHEET 2

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)	2. SSN	3. GRADE OR RANK	4. PAY GRADE
WACKER, DOUGLAS S.	538 08 3913	CAPT	0-3

Specification 2: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near New Orleans, Louisiana, on or about 3 April 2007, acted in a manner unbecoming of an officer and gentlemen, to wit:

By assaulting Ms. Elizabeth Easley by wrongfully drugging her by adding an intoxicant to her drink which was done by a means likely to produce death or grievous bodily harm.

Specification 3: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near Seattle, Washington, on or about December 2006, acted in a manner unbecoming of an officer and gentlemen, to wit:

By assaulting Ms. Nicole Cusack by wrongfully drugging her by adding an intoxicant to her drink which was done by a means likely to produce death or grievous bodily harm.

Specification 4: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near San Diego, California, from about April 2007 to about January 2009, acted in a manner unbecoming of an officer and gentlemen, to wit:

By wrongfully endeavoring to impede an investigation in the case of Captain Douglas S. Wacker, by asking Mr. Amos Lowder to speak to Ms. Nicole Cusack and tell her, a potential victim in the case, to keep quiet and to not talk to anyone about Captain Wacker's ongoing case with Ms. Easley and Ms. Brooder, or words to that effect.

Specification 5: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near San Diego, California, from about April 2007 to about January 2009, acted in a manner unbecoming of an officer and gentlemen, to wit:

By wrongfully endeavoring to influence the testimony of Mr. Joseph Gorman by wrongfully asking him to provide false statements to Special Agent J.R. Burge, Naval Criminal Investigative Service, an investigating officer in the case of Captain Douglas S. Wacker, United States Marine Corps.

(CONTINUED ON SUPPLEMENTAL PAGE 3)

SUPPLEMENTAL CHARGE SHEET 3

I. PERSONAL DATA

1. NAME OF ACCUSED (<i>Last, First, MI</i>)	2. SSN	3. GRADE OR RANK	4. PAY GRADE
WACKER, DOUGLAS S.	538 08 3913	CAPT	0-3

CHARGE VI: VIOLATION OF THE UCMJ, ARTICLE 134

Specification 1: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near San Diego, California, from about April 2007 to about January 2009, on diverse occasions, wrongfully endeavor to influence the testimony of Joseph Gorman, as a witness before Special Agent J.R. Burge, Naval Criminal Investigative Service, an investigating officer in the case of Captain Douglas S. Wacker, U.S. Marine Corps, by asking Joseph Gorman to provide false statements to the said investigating officer.

Specification 2: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near San Diego, California, From about April 2007 to about January 2009, wrongfully endeavor to impede the investigation in the case of Captain Douglas S. Wacker, U.S. Marine Corps, investigated by Special Agent J.R. Burge, Naval Criminal Investigative Service, by asking Mr. Amos Lowder to speak with Ms. Nicole Cusack, a potential victim, to keep Ms. Nicole Cusack quiet and to tell her to not talk to anyone about Captain Wacker's ongoing case with Ms. Easley and Ms. Brooder, or words to that effect.

Specification 3: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near New Orleans, Louisiana, on or about 3 April 2007, commit an indecent assault upon Ms. Elizabeth Easley, a person not his wife by undressing her, kissing her neck and chest area, with intent to gratify his sexual desires.

Specification 4: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near New Orleans, Louisiana, on or about 3 April 2007, while in a room with Ms. Elizabeth Easley and Ms. Jessica Brooder, willfully and wrongfully expose in an indecent manner to public view his penis.

On 16 APRIL, 2009 the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

M.C. GOODPASTURE
Typed Name of Immediate Commander

H&S BATTALION, SAN DIEGO, CA
Organization of Immediate Commander

MAJOR, U.S. MARINE CORPS
Grade

[Signature]
Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1658 hours, 16 APRIL 20 09 at H&S BATTALION, SAN DIEGO, CA
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹ COMMANDING OFFICER

M.C. GOODPASTURE
Typed Name of Officer

S-3 OPERATIONS OFFICER
Official Capacity of Officer Signing

MAJOR, U.S. MARINE CORPS
Grade

[Signature]
Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE	c. DATE
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Referred for trial to the _____ court-martial convened by _____

_____ 20 _____, subject to the following instructions:² NONE

By //////////////////// Of _____
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15. On _____, 20 _____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

ORIGINAL

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (<i>Last, First, MI</i>) WACKER, DOUGLAS S.			2. SSN 538 08 3913		3. GRADE OR RANK CAPT	4. PAY GRADE O-3
5. UNIT OR ORGANIZATION HEADQUARTERS AND SERVICE BATTALION, MCRD, SAN DIEGO, CA					6. CURRENT SERVICE	
					a. INITIAL DATE 12 OCT 05	b. TERM Indef
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED NONE		9. DATE(S) IMPOSED NONE	
a. BASIC \$5358.00	b. SEA/FOREIGN DUTY NONE	c. TOTAL \$5358.00				


II. CHARGES AND SPECIFICATIONS

ADDITIONAL CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 90

Specification: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, having received a lawful command from Lieutenant Colonel Bond, U.S. Marine Corps, acting commanding officer, Headquarters and Service Battalion, Marine Corps Recruit Depot, San Diego, California, his superior commissioned officer, then known by the said Captain Douglas S. Wacker, to be his superior commissioned officer, to not contact or speak to Ms. April Tatton or potential witnesses about the ongoing investigation involving Captain Wacker, or words to that effect, did, on diverse occasions, at or near San Diego, California on or about January 2009, willfully disobey the same.

(Continued on Supplemental Additional Charge Sheet 1)

III. PREFERRAL

11a. NAME OF ACCUSER (<i>Last, First, MI</i>) OSPINA, JHONY A.		b. GRADE SGT	c. ORGANIZATION OF ACCUSER HQSVCBN, MCRD SAN DIEGO, CA	
d. SIGNATURE OF ACCUSER 			e. DATE 20 Apr 2009	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 20th day of APRIL, 2009, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

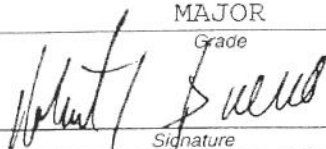
ROBERT M. BUENO
Typed Name of Officer

HQSVCBN, MCRD SAN DIEGO, CA
Organization of Officer

MAJOR
Grade

TRIAL COUNSEL

*Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)*


Signature

ORIGINAL

SUPPLEMENTAL ADDITIONAL CHARGE SHEET 1

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)	2. SSN	3. GRADE OR RANK	4. PAY GRADE
WACKER, DOUGLAS S.	538 08 3913	CAPT	0-3

ADDITIONAL CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 133

Specification 1: In that Captain Douglas Wacker, United States Marine Corps, 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 engaging or attempting to engage in sexual contact with Ms. Jessica Brooder after adding a drug, intoxicant or other similar substance to her drink making her incapacitated or so impaired she was incapable of consenting to the sexual contact.

Specification 2: In that Captain Douglas Wacker, United States Marine Corps, on active duty, did, at or near Seattle, Washington, on or about December 2006, act in a manner unbecoming of an officer and gentlemen, to wit: by engaging or attempting to engage in sexual contact with Ms. Nicole Cusak after adding a drug, intoxicant or other similar substance to her drink making her incapacitated or so impaired she was incapable of consenting to the sexual contact.

Specification 3: In that Captain Douglas Wacker, United States Marine Corps, on active duty, did, at or near San Diego, California, on diverse occasions, from about April 2007 to about January 2009, act in a manner unbecoming of an officer and gentlemen, to wit: by wrongfully endeavoring to influence the testimony of Mr. Joseph Gorman by wrongfully asking Mr. Joseph Gorman to provide false or misleading statements to Special Agent Burge, an NCIS investigator, who was conducting an official investigation into the case of Captain Douglas Wacker, U.S. Marine Corps; and such conduct was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

Specification 4: In that Captain Douglas Wacker, United States Marine Corps, on active duty, did, at or near San Diego, California, on diverse occasions, from about April 2007 to about January 2009, act in a manner unbecoming of an officer and gentlemen, to wit: by wrongfully endeavoring to impede an ongoing criminal investigation in the case of Captain Douglas Wacker, by asking Mr. Amos Lowder to speak to Ms. Nicole Cusack and tell her, a potential victim in the case, to keep quiet and to not talk to anyone about Captain Wacker's ongoing case with Ms. Easley and Ms. Brooder; such conduct was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

Specification 5: In that Captain Douglas Wacker, United States Marine Corps, 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: drinking to excess while in public.

(Continued on Supplemental Additional Charge Sheet 2)

SUPPLEMENTAL ADDITIONAL CHARGE SHEET 2

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)	2. SSN	3. GRADE OR RANK	4. PAY GRADE
WACKER, DOUGLAS S.	538 08 3913	CAPT	O-3

Specification 6: In that Captain Douglas Wacker, United States Marine Corps, on active duty, did, at or near San Diego, California, on diverse occasions, from about 9 January to 30 January 2009, act in a manner unbecoming of an officer and gentlemen, to wit: by sitting out in front of the University of San Diego book store in order to converse with several people he was given a direct order not to converse with.

Specification 7: In that Captain Douglas Wacker, United States Marine Corps, 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 engaging or attempting to engage in sexual contact with Ms. Elizabeth Easley after adding a drug, intoxicant or other similar substance to her drink making her incapacitated or so impaired she was incapable of consenting to the sexual contact.

12.

On 22 April, 2009 the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

D. J. COTE

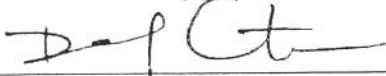
Typed Name of Immediate Commander

H&S BATTALION, SAN DIEGO, CA

Organization of Immediate Commander

CAPTAIN, U.S. MARINE CORPS

Grade



Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 0930 hours, 22 April 2009 at H&S BATTALION, SAN DIEGO, CA

Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹

COMMANDING OFFICER

D. J. COTE

Typed Name of Officer

ADJUTANT/LEGAL OFFICER

Official Capacity of Officer Signing

CAPTAIN, U. S. MARINE CORPS

Grade



Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

Referred for trial to the _____ court-martial convened by _____

20 _____

, subject to the following instructions:² _____

NONE

By //////////////////// Of _____

Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15.

On _____, 20 _____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.
2 — See R.C.M. 601(e) concerning instructions. If none, so state.