



UNITED STATES MARINE CORPS
MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION
1600 HENDERSON AVENUE
SAN DIEGO, CALIFORNIA 92140

IN REPLY REFER TO:
5817
9D
GCMCO #1-09

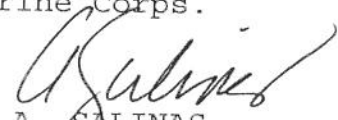
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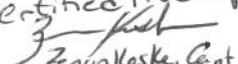
GENERAL COURT-MARTIAL CONVENING ORDER, SERIAL 1-09

Pursuant to the authority contained in R.C.M 504(b)(1) and JAGMAN section 0120a(1), A General Court-Martial is hereby convened to hear all those cases properly referred to it, with the following members:

MEMBERS

Colonel C. C. Conlin, U.S. Marine Corps;
Colonel P. G. Looney, U.S. Marine Corps;
Colonel M. A. Biszak, U.S. Marine Corps;
Lieutenant Colonel G. F. Bond, U.S. Marine Corps;
Lieutenant Colonel M. A. Begin, U.S. Marine Corps;
Lieutenant Colonel N. C. Maker, U.S. Marine Corps;
Major L. M. Webb, U.S. Marine Corps;
Major C. G. Blalock, U.S. Marine Corps;
Captain E. M. Lopez, U.S. Marine Corps;
Captain B. W. Richardson, U.S. Marine Corps;
Captain S. E. McCann, U.S. Marine Corps; and
First Lieutenant Z. B. Walter, U.S. Marine Corps.


A. SALINAS
Brigadier General
U.S. Marine Corps
Commanding General

Certified True Copy

Erin Kaske, Capt, USMC

CHARGE SHEET

I. PERSONAL DATA

| | | | | |
|---|---------------------|-----------------------|---|---------------------|
| 1. NAME OF ACCUSED (Last, First, MI) 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 | |
| a. BASIC | b. SEA/FOREIGN DUTY | c. TOTAL | | |
| \$5358.00 | NONE | \$5358.00 | | |
| 9. DATE(S) IMPOSED 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 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.

(CONTINUED ON SUPPLEMENTAL PAGE 1)

III. PREFERRAL

| | | |
|--|-----------------|---|
| 11a. NAME OF ACCUSER (Last, First, MI) OSPINA, JHONY A | b. GRADE SGT | c. ORGANIZATION OF ACCUSER HQSVCBN, MCRD SAN DIEGO, CA |
| d. SIGNATURE OF ACCUSER  | | e. DATE 13 July 2009 |

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 13th day of July, 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

ORIGINAL

12.

On 14 July, 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

D J Cote

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 0815 hours. 14 July 2009 at H&S BATTALION, SAN DIEGO, CA

Designation of Commander

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

D J Cote

Signature

V. REFERRAL; SERVICE OF CHARGES

| | | |
|---|----------------------------------|-------------------------------|
| 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY <u>MCRD/WRR</u> | b. PLACE <u>SAN DIEGO, CA</u> | c. DATE <u>14 JUL 2009</u> |
|---|----------------------------------|-------------------------------|

Referred for trial to the GENERAL court-martial convened by GCMC #1-09

DATED 1 MARCH 2009, subject to the following instructions:² NONE

By //////////////////// Of

Command or Order

A. SALINAS

Typed Name of Officer

Official Capacity of Officer Signing

BRIGADIER GENERAL

Grade

A Salinas

Signature

15.

On 14 July, 2009, I (caused to be) served a copy hereof on (each of) the above named accused.

Z. W. KESKE

Typed Name of Trial Counsel

CAPTAIN/O-3

Grade or Rank of Trial Counsel

Z W Keske

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.

110000

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 | O-3 |

CHARGE III: 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 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.

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 wrongfully attempting to engage in sexual intercourse with Ms. Elizabeth Easley while he knew or should have known that 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 sexual intercourse.

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 wrongfully engaging in sexual intercourse with Ms. Nicole Cusack while he knew or should have known that Ms. Cusack 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.

Specification 4: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near San Diego, California, between on or about November 2007 and July 2008, 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 not talk to anyone about Captain Wacker's ongoing case with Ms. Easley and Ms. Brooder, or words to that effect.

(CONTINUED ON SUPPLEMENTAL PAGE 2)

SUPPLEMENTAL CHARGE SHEET 2

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 |

Specification 5: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near San Diego, California, between on or about November 2007 and 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. Gorman 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.

CHARGE IV: 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 November 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 November 2007 to about July 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. Elizabeth Easley and Ms. Jessica 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 the intent to gratify his sexual desires.