

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) WACKER, Douglas S.		2. SSN 538 08 9313	3. GRADE OR RANK Captain	4. PAY GRADE O-3
5. UNIT OR ORGANIZATION Marine Wing Headquarters Squadron 3, Third Marine Aircraft Wing, Marine Corps Air Station Miramar, California			6. CURRENT SERVICE	
			a. INITIAL DATE 12 Oct 05	b. TERM Indef
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC \$5540.10	b. SEA/FOREIGN DUTY None	c. TOTAL \$5540.10	None	
			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.~~

Withdrawn and dismissed. 100526.


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 Seattle, Washington, on or about December 2006, act 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.~~

Withdrawn and dismissed. 100526.

(CONTINUED ON SUPPLEMENTAL PAGE)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) MUNOZ, Gloria J.	b. GRADE Cpl	c. ORGANIZATION OF ACCUSER HQHQRON, MCAS Miramar, CA
d. SIGNATURE OF ACCUSER 	e. DATE 7 Jan 10	

AFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 7th day of January, 2010, 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.

E. S. DAY
Typed Name of Officer

HQHQRON, MCAS Miramar, 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

12.

On 7 January, 20 10 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. P. SERANO
Typed Name of Immediate Commander

MWHS-3, 3d MAW, San Diego, CA
Organization of Immediate Commander

Major, U.S. Marine Corps
Grade

M. P. Serano
Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1125 hours, 7 January 20 10 at MWHS-3, 3d MAW, San Diego, CA
Designation of Command or

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

FOR THE ¹ Commanding Officer

M. P. SERANO
Typed Name of Officer

Executive Officer
Official Capacity of Officer Signing

Major, U.S. Marine Corps
Grade

M. P. Serano

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY
3d MAW

b. PLACE
MCAS Miramar, CA

c. DATE
MAY 26 2010

Referred for trial to the General court-martial convened by GCMCO #1-09
dated 19 November 2009, subject to the following instructions: 2 None.

by ////////// of
Command or Order

T. CONANT
Typed Name of Officer

Commanding General
Official Capacity of Officer Signing

Major General, U.S. Marine Corps
Grade

T. Conant
Signature

15. On _____, 2010, I (caused to be) served a copy hereof on (each of) the above named accused.

E. S. DAY
Typed Name of Trial Counsel

Captain, U.S. Marine Corps
Grade or Rank of Trial Counsel

Signature

ORIGINAL

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.

SUPPLEMENTAL CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) WACKER, Douglas S.	2. SSN 538 08 9313	3. GRADE OR RANK Captain	4. PAY GRADE O-3
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1 USB 100526
 Specification ~~7~~: 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, act 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.

2 USB 100526
 Specification ~~7~~: 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, 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.

3 USB 100526
 Specification ~~7~~: 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, 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.

4 USB 100526
 Specification ~~7~~: In that Captain Douglas S. Wacker, United States Marine Corps, 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.

~~Specification 6: 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, act 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 relevant and material witness in the case, to not talk to anyone about Captain Wacker's ongoing case with Ms. Elizabeth Easley and Ms. Jessica Brooder, or words to that effect.~~ *USB withdrawn and dismissed. 100526*

~~Specification 7: In that Captain Douglas S. Wacker, United States Marine Corps, on active duty, did, at or near San Diego, California, between on or about July 2008 and January 2009, act 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. Joseph Gorman to withhold information from Special Agent J.R. Burge, Naval Criminal Investigative Service, an investigating agent in the case of Captain Douglas S. Wacker, United States Marine Corps.~~ *Dismissed without prejudice. USB 100517*

ORIGINAL



UNITED STATES MARINE CORPS

THIRD MARINE AIRCRAFT WING
MARINE CORPS AIR STATION MIRAMAR
P O BOX 462036
SAN DIEGO CA 92145-2036

IN REPLY REFER TO
5800

SJA

GCMCO #1-09

NOV 1 9 2009

A General Court-Martial is hereby convened with the following members and shall proceed at Marine Corps Air Station Miramar, San Diego, California, or any such authorized place as directed:

Colonel James S. Connelly, U.S. Marine Corps;
Lieutenant Colonel Anthony C. Bolden, U.S. Marine Corps;
Lieutenant Colonel Charles R. Bagnato, U.S. Marine Corps;
Major Delmar J. Lake Jr., U.S. Marine Corps;
Major James G. Harris, U.S. Marine Corps;
Captain Chad A. Hunt, U.S. Marine Corps;
Captain Michael S. Diaz, U.S. Marine Corps;
First Lieutenant David M. Carney, U.S. Marine Corps;
Chief Warrant Officer 3 Jeffery A. Fisher, U.S. Marine Corps; and
Chief Warrant Officer 2 Michael J. Allen, U.S. Marine Corps.

A handwritten signature in black ink, appearing to read "T. Conant", written over a horizontal line.

T. CONANT
Major General
U.S. Marine Corps
Commanding

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