



UNITED STATES MARINE CORPS

MARINE CORPS AIR STATION MIRAMAR
JOINT LAW CENTER
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IN REPLY REFER TO:
5811
MJO/esd
1 Jul 10

From: Trial Counsel
To: Defense Counsel

Subj: RESPONSE TO DEFENSE WITNESS REQUEST IN THE CASE OF UNITED STATES V. CAPTAIN DOUGLAS WACKER, USMC

Ref: (a) R.C.M. 701
(b) R.C.M. 703
(c) R.C.M. 1001
(d) Defense ltr 5800 dtd 18 Jun 10

1. The following witnesses will be notified of the trial dates and produced at trial: Rebecca Barker Abdullah, Susan Minamizono, Capt Christopher Blosser, and Forrest Merithew.

2. Your request for production of the following witnesses is denied because the information submitted is not in compliance with reference (b) and is insufficient to allow them to be located. Additionally, the proffers submitted are insufficient to establish their relevance. The witnesses include: the "unknown lobby workers", "unknown Funky Pirate bar workers", "unknown Big Easy bar workers", and "Unknown Razoo's Club workers", LtCol Robert McCarthy, Robert O'Brien, Nancy Velie, and Benjamin (Jamie) Hadden.

3. Your request for production of the following witnesses is denied because the information submitted is insufficient to establish their relevance: Michelle Reuther and Robert O'Brien.

4. Your request for production of the following witnesses is denied because the information submitted is insufficient to establish their relevance, foundation, ability to testify as claimed, and lack of cumulativeness: BGen James Kessler, Col James Lavine, LtCol William Pigott, LtCol Robert McCarthy, LtCol Thomas McCann, Maj Ed Esposito, Maj Ken Lee, Maj Ken Terahira, LtCol Brian Proctor, Maj John Knotts, Maj Michael Gaffney, Maj Glen Hines, Maj Christopher Shaw, Capt Katie Arroyo, Omaar Hernandez, Capt Jiemar Patacsil, LT Sarah McGinley, Prof. Allen Snyder, Prof. Shaun Martin, Prof. Laura Berend, Prof. Robin Barnes, Maggie Cartwright, Kelly Lowry, Katherine Tremblay, Jodi McShan, Sherlin Tung, Andrew Haden, Jenny Meeker, Marshall

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Skaletsky, Ben Shiftan, Hillary Mueri, Dane Voris, Joni Borzcik, Maureen Abelsayed, Carolina Bravo-Karimi, Catherine Tran, Kristen Santerre, Ahnie Smith, Katie Santon, Amber Davis, John Compton, Kati Burpee, Sarah Kusch, Colleen Cassidy Blosser, Henry de Vere White, Tina de Vere White, Matthew Keasling, Naisha Covarrubias-Keasling, Mr. John Carter, LtCol Thad Trapp, Col Christopher Conlin, Heather McKimmie, Johanna Figurelli, Matthew Majorowicz, and Cory Christianson.

5. The government may consider reevaluating its response to the defense witness request, should the defense submit a reasonable number of witness requests substantially in compliance with reference (b). The government requests that such witness requests include a proffer of each witness' expected testimony to include specific information regarding the timing and nature of the interaction of each witness with the accused; some showing that the witness would testify as proffered; and an explanation of why the witness' testimony would not simply be cumulative with any other witness.

//s//
E. S. DAY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on detailed defense counsel by electronic mail on 1 Jul 2010.

//s//
E. S. DAY