

Neal Puckett, Esq.
Lic. IN & VA

Haytham Faraj, Esq.
Lic. IL & MI



THE LAW FIRM OF PUCKETT AND FARAJ, PC

14 April 2009

From: Haytham Faraj, Esq.
To: Staff Judge Advocate to the Commandant of the Marine Corps, (Attn: BGen Walker)
Subj: NOTICE OF CONSIDERATION FOR DISENROLLMENT FROM THE EXCESS LEAVE LAW PROGRAM (LAW) /ELP (L)
Ref: SJA to CMC ltr JAS/hetw dtd 9 Mar 09

Encl: (1) MPO issued January 9, 2009
(2) No Contract order (undated) received January 9, 2009
(3) Affidavit of Capt Christopher Blosser
(4) Affidavit of Ms. Elizabeth McShan
(5) USD interim leave letter
(6) Col Helfrich memo modifying the MPO
(7) Capt Wacker unofficial transcript
(8) Capt Wacker legal resume
(9) USD notice of hearing
(10) USD hearing findings letter
(11) New Orleans Parish Expungement motion and Court order

Dear General Walker,

I hope this letter finds you well. Our firm has been retained by Capt Wacker to represent him in the matter currently under investigation by his command. The reference is a letter from you informing Capt Wacker that he is being considered for disenrollment from the Excess Leave Law program because Capt Wacker allegedly failed to abide by a military protective order issued on January 9, 2009, that sought to limit contact between him and twenty other persons. Capt Wacker received the letter via FedEx from Capt Liebenguth, JAS, HQMC, on March 19, 2009. The letter requested a reply within 30 days of receipt. Capt Wacker denies violation of the MPO and sets forth the following response for your consideration.

On January 9, 2009, Capt Wacker was directed to appear before LtCol G.F. Bond, the executive officer of Headquarters and Service Battalion, MCRD. Upon reporting to LtCol Bond, Capt Wacker was asked to sit and informed that as a result of the allegations against him, an MPO and "No Contact Order" ("MPO") were being issued. LtCol Bond gave the MPO to Capt Wacker to read. *See Enclosure 1 and 2.* Capt Wacker reviewed the MPO and expressed concern that the MPO included several friends and classmates who were not connected to the allegations being levied against him. Capt Wacker further explained that he was on the moot court board and involved in competitions with some of the people named in the MPO. The MPO would

effectively prevent him from participating in these activities. LtCol Bond then explained that the MPO was not intended to interfere with his school work or his activities. He could continue to participate but was not to discuss the case or allegations with any of the people on the MPO. Capt Wacker signed the MPO, was provided a copy, and left.

Over the next two week period, Capt Wacker continued to have semi-regular contact with two of his friends and classmates, Capt Christopher Blosser and Ms. Elizabeth McShan. *See Enclosure 3 and 4.* The command's letter requesting Capt Wacker's removal provides "Draft" charges alleging that Capt Wacker violated the MPO by contacting "C.B." and "E.M." We presume that "C.B." and "E.M." are Capt Christopher Blosser and Ms. Elizabeth McShan. Capt Christopher Blosser and Elizabeth McShan are both good friends of Capt Wacker and neither is familiar with the alleged incident. Nevertheless, use of the initials has the intended purpose of representing to the uniformed reader that these are witnesses that must be protected. Yet for nearly 2 years, since April of 2007, the Marine Corps has been aware of the allegations and the investigations –one by the New Orleans Police and another by the University of San Diego assisted by the USD Police. Moreover, the Marine Corps has been conducting its own investigation of Capt Wacker which has been ongoing for the last several months. Yet not until recently has the Marine Corps decided to institute a contact ban. The intent here is not to set forth an explanation justifying the alleged violation. There was no violation as the facts bare out. The intent is to more fully present you facts relevant to assessing the totality of the circumstances as they relate to the charges in this case.

On January 16, 2009, Capt Wacker was asked to report to Carrie Wilson, Dean of Students at the University of San Diego School of Law. While the command's letter requesting Capt Wacker's disenrollment states that the school has since "banned" Capt Wacker from the law school campus, rather, the school merely placed Capt Wacker on "interim leave" during the ongoing military investigation. *See Enclosure 5.* Dean Wilson informed Capt Wacker that this action was taken out of an abundance of caution in part due to NCIS Agent, John Burge, stating to the school that felony charges were "imminent." The school did not take further action to expel or suspend Capt Wacker, but instead has permitted his continued enrollment via independent study. The school supports Capt Wacker and provides him class notes for his courses and made arrangements for him to take his examinations.

On or about January 22, 2009, Capt Wacker was called and directed to report to Col K.S. Helfrich, commanding officer, Headquarters and Service Battalion, MCRD. On January, 26, 2009, Capt Wacker reported to Col Helfrich whereupon he was informed that he had violated the MPO and that Col Helfrich was modifying the MPO to show that Capt Wacker was to have "absolutely no contact with any of the persons listed in the MPO issued 9 Jan 2009... by LtCol Bond." *See Enclosure 6.*

Upon being informed that henceforth he was to have absolutely no contact with any of the people named in the MPO, Capt Wacker discontinued further contact. To be sure, it is our position that the MPO is overly broad and an abuse of discretion. It has the effect of punishing Capt Wacker rather than merely protecting certain individuals and the investigation. Nonetheless, Capt Wacker, at all times, followed the orders as they were explained and as he understood them. Following the issuance of the original MPO, he limited his contact to those

necessary to participate in certain school activities and to his friends as was explained by LtCol Bond. After it was modified, he ended ALL contact as was directed. And he, at all times, refrained from discussing charges or allegations.

Capt Wacker is entitled to the benefit of the doubt while some doubt remains because his record indicates that he is a good officer. He was well-vetted by a rigorous Marine Corps selection process for the law education program. His performance in both academic and extracurricular activities has set a high standard of excellence and is demonstrative of what the Marine Corps should expect from its officers in the law education programs. *See Enclosures 7 and 8.*

Since these allegations were first made -not including the MPO- Capt Wacker has been investigated and adjudicated twice by two different agencies. The University of San Diego investigated the matter and conducted an administrative hearing in June 2007. At the conclusion of the hearing, Capt Wacker was found not responsible for any misconduct, despite the low burden of proof of preponderance of the evidence. *See Enclosures 9 and 10.* Likewise, the New Orleans Police Department and the New Orleans District Attorney investigated the allegations, and declined to prosecute because the story of the alleged victims was so utterly fanciful and incredible. On motion by Capt Wacker's counsel that was joined by the District Attorney, the Superior Court of Louisiana dismissed the case against Capt Wacker and expunged the arrest warrant issued against him. *See Enclosure 11.*

Throughout the investigative process Capt Wacker has remained steadfast and behaved with the professionalism and decorum expected of an officer of Marines. He did not intimidate or influence witnesses nor interfere in the investigation. When he was issued the MPO he had a conversation with his executive officer about its burdensome reach. LtCol Bond responded reasonably that the MPO sought to limit Capt Wacker's contact with the alleged victims and all conversation about the charges, not to interfere with his ability to participate in his courses and extracurricular activities.

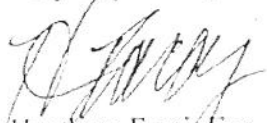
I recognize that you seek to ensure only officers of the highest professional caliber and moral grounding become judge advocates. But I also know that as a judge advocate you, better than anyone in the chain of command, appreciate how, at times, investigations take on a life of their own, like a stampede with a unitary direction mindlessly trampling people, truths, and facts under its powerful hooves. I, therefore, appeal to your experience and understanding of this process and request you wait until this matter is adjudicated before you make your decision to remove Capt Wacker from the law education program.

Based on the forgoing, Capt Wacker respectfully requests that he be allowed to continue in the law education program. A disenrollment decision now benefits no one. Capt Wacker is three weeks away from graduation and beginning preparation for the Bar Exam. A decision at this juncture would cause Capt Wacker to forfeit the experience of being a judge advocate and the Marine Corps would lose a judge advocate after having invested three years of time and money in educating this officer. Capt Wacker is prepared to continue his coursework, examinations, and Bar Exam preparation in conjunction with any responsibilities he may have to attend to regarding the pending Article 32 investigation. You will continue to have the authority

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and discretion to deny him orders at anytime. I, therefore, request that you abate your decision until this case is adjudicated. At that time you will be able to review a more comprehensive record of the facts and have the benefit of a more informed decision.

Very respectfully submitted.



Haytham Faraj, Esq.
Major, USMC (Ret.)

Copy to:
Capt Wacker
File

MILITARY PROTECTIVE ORDER

PRIVACY ACT STATEMENT

In accordance with the Privacy Act of 1974 (Public Law 93-579), this notice informs you of the purpose of the form and how it will be used. Please read it carefully.

AUTHORITY: 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and National Defense Authorization Act for Fiscal Year 1995, Sec. 534.

PRINCIPAL PURPOSE(S): To inform the service member and the protected person that the commanding officer is issuing an order to the member prohibiting contact or communication with the protected person or members of the protected person's family or household and directing that the member take specified actions that support, or are in furtherance of, the prohibition.

ROUTINE USE(S): Any release of information outside of the Department of Defense shall be compatible with the purposes for which the information is being collected and shall be in accordance with an established routine use for the record system where the information is maintained.

DISCLOSURE: Voluntary. Failure to disclose/verify information will not delay either the issuance of the order or the enforceability of the order.

1. SERVICE MEMBER				2. PROTECTED PERSON (Important: see NOTE)			
a. RANK	b. LAST NAME	FIRST NAME	MI	a. RANK	b. LAST NAME	FIRST NAME	MI
CAPT	WACKER	DOUGLAS	S		SEE SECTION 3		
c. UNIT				c. UNIT			
HK17, HQCO, HQSVCBN,							
d. INSTALLATION				d. INSTALLATION			
MCRD, SAN DIEGO, CA							

NOTE: Omit information in Item 2 that, if known to the service member in Item 1, could endanger the protected person.

3. INFORMATION SUPPORTING ISSUANCE OF THIS MILITARY PROTECTIVE ORDER

CAPT WACKER WILL NOT HAVE ANY CONTACT (VERBAL, PHYSICAL OR CORRESPOND BY EMAIL, LETTER, PHONE, OR VIA A THIRD PARTY) WITH THE PROTECTED PERSONS, ANY MEMBER OF THEIR IMMEDIATE FAMILY, OR ANY POTENTIAL WITNESSES CONCERNING ALLEGATIONS OF SEXUAL ASSAULT OCCURING ON OR ABOUT 3 APRIL 2007, AT ANY TIME:

This order is issued concerning your association and contact with, but is not limited to, the following person(s): Jessica Brooder, Elizabeth Easley, Rebecca Barker, Justin Micklish, Sharon Lee, Robert O'Brien, Christopher Stokes, Westin Mclean, Joseph Gorman, April Tatton, Rebecca Barker, Christopher Blosser, Forest Merithew, Elizabeth McShan., Donald Cook, Nicole Cusack, Jessica Baxter, Alex Lowder, Melissa Schmidt, Tara Aguilar.

4. THE PROTECTED PERSON HAS ALSO BEEN ISSUED THE FOLLOWING COURT ORDERS:

a. Civil protection order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____		
b. Order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____		Property Settlement Custody and/or Visitation

5. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that (Initial applicable portions):

	a. The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.
NA	b. The above-named service member shall remain at all times and places at least _____ feet away from the above-named protected person and members of the protected person's family or household including, but not limited to, residences and workplaces. Members of the protected person's family or household include:
NA	c. The above-named service member will vacate the military residence shared by the parties located at:
NA	d. Until further notified, the above-named service member will be provided temporary military quarters at:
NA	e. The above-named service member will attend the following counseling:
NA	f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.
NA	g. The above-named service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.
	h. Exceptions to this order will be granted only after an advance request is made to me and approved by me.
NA	i. Other specific provisions of this order:

6. DURATION: The terms of this order shall be effective until 9 JULY 2009, unless sooner rescinded, modified, or extended in writing by me.
 ENFORCEABILITY: Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.

a. COMMANDING OFFICER'S SIGNATURE <i>J. F. BQ, LTJG USMC (ACTING)</i>	b. DATE (YYYYMMDD) 9 Jan '09
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7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.

a. SERVICE MEMBER'S SIGNATURE <i>J. F. BQ</i>	b. DATE (YYYYMMDD) 20090109
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DISTRIBUTION: Service member Protected person (Custodial parent of protected child)
 Service member's local personnel file



UNITED STATES MARINE CORPS
Headquarters and Service Battalion
3800 Belleau Ave
San Diego, California 92140

IN REPLY REFER TO:
5800
HQSVCBN

From: Commanding Officer, Headquarters and Service Battalion,
MCRD San Diego
To: Captain Douglas Wacker, U.S. Marine Corps
Subj: NO CONTACT ORDER ICO CAPTAIN DOUGLAS WACKER, USMC
Ref: (a) MCM, 2008
(b) UCMJ

1. You are hereby directed to abide by the following No Contact Order issued under the references. You are required to obey this order whether you receive it orally or in writing. Violation of this order may result in administrative or disciplinary action, including trial by court martial.

2. This order is an administrative action to ensure the fairness and integrity of the investigative process, the safety and security of yourself and all person(s) listed below, as well as to protect national security information and classified information. It is also intended to protect you from further allegations of misconduct while the order is in effect. The issuance of this order is not the beginning of disciplinary action against you, nor does it mean that you cannot be punished for any actions taken before or after this order.

3. This order is not intended to preclude you or your civilian or military defense counsel, if appointed or retained, from preparing for your defense to any charges that may be brought against you.

4. This order is issued concerning your association and contact with the following person(s):

- (a) Jessica Brooder
- (b) Elizabeth Easley
- (c) Rebecca Barker
- (d) Justin Micklish
- (e) Sharon Lee

Enclosure (2)

Subj: NO CONTACT ORDER ICO CAPTAIN DOUGLAS WACKER, USMC

- (f) Robert O'Brien
- (g) Christopher Stokes
- (h) Westin Mclean
- (i) Joseph Gorman
- (j) April Tatton
- (k) Rebecca Barker
- (l) Christopher Blosser, Capt, USMC
- (m) Forest Merithew
- (n) Elizabeth McShan
- (o) Donald Cook
- (p) Nicole Cusack
- (q) Jessica Baxter
- (r) Alex Lowder
- (s) Melissa Schmidt
- (t) Tara Aguilar

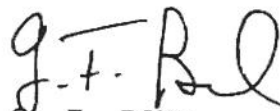
5. You are directed to:

a. To not discuss the subject matter of this ongoing investigation, to wit: the allegations of sexual misconduct or sexual assault made against you, with any of the individuals listed in paragraph (4).

b. Request permission from the Commanding Officer, Headquarter and Service Battalion, MCRD, San Diego, the convening authority, in writing via your detailed military defense counsel or retained civilian defense counsel and the Trial Counsel, prior to engaging in any discussion for the purposes of preparing your defense to any charges that may be brought against you with persons identified above in paragraph (4).

6. This order is to remain in effect until completion of any investigation in your case convened pursuant to Article 32 of reference (d), or until rescinded or superseded by subsequent order of the convening authority, Commanding Officer, Headquarter and Service Battalion, MCRD, San Diego.

7. Any questions you may have regarding this order should be routed via your chain of command. Requests pursuant to paragraph (4) (b) should be directed to the Trial Counsel, Major Bueno, via fax at (619) 524-6784


G. F. BOND
ACTING

AFFIDAVIT

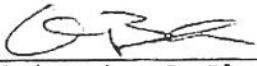
AFFIANT, being first duly sworn, deposes and says of his own personal knowledge:

My name is Captain Christopher Glenn Blosser, USMC. I am 31 years old and live at 3714 Villa Terrace, San Diego, CA 92104. I am an active duty Marine Corps officer assigned to NROTC, San Diego as a student in the Excess Leave Program (Law). I attend law school at the University of San Diego.

I first met Captain Douglas Wacker in August 2006 when we were beginning our first semester as law students at the University of San Diego. We became friends and have remained friends. As friends, we were in regular and frequent contact, either in person, by email, text messaging, or chat.

When Captain Wacker first received the Military Protective Order (MPO), he and I understood it as intended to prohibit conversations about the case and any contact with the alleged victims in the case. Although I did have contact with Captain Wacker after 9 January 2009, we did not discuss the case or investigation. My last bilateral communication with Captain Wacker was on 15 January 2009 via Google chat. From 20 January to 27 January 2009, I initiated three attempted electronic communications with Captain Wacker, but he did not respond to any of them. All contact with Captain Wacker ended on 27 January.

On or about 27 January, I realized why Captain Wacker had not responded to my attempted electronic communications when I learned from another classmate that the MPO had been modified. As I was told by the third-party, the MPO now prohibited any contact with those persons listed on the MPO, including myself and several of Captain Wacker's other law school friends who are not percipient witnesses, had not gone on the New Orleans trip that is the basis of the allegations underlying the charges, and have no first-hand knowledge regarding any of the facts surrounding the allegations. I have had no further contact with Captain Wacker since learning that he is no longer permitted to have any contact with me.



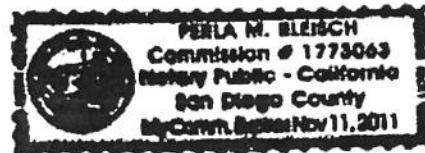
Christopher G. Blosser
Captain, USMC

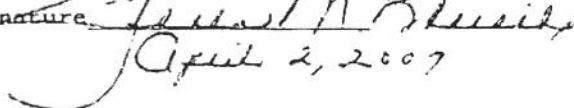
2 APR 2009
Date

State of California
County of San Diego

Subscribed and sworn to before me on this 2nd day of April, 2009, by Christopher Glenn Blosser, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Seal _____



Signature 
April 2, 2009

Enclosure (3)

AFFIDAVIT

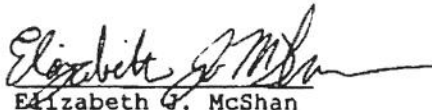
AFFIANT, being first duly sworn, deposes and says of her own personal knowledge:

My name is Elizabeth Jo McShan. I am 24 years old and live at 3681 Mission Boulevard, San Diego CA 92109.

I have known Captain Douglas Wacker since August/September of 2006 when we began our first semester as law students at USD. We became friends and have remained friends. As friends we were in regular and frequent contact, either in person, by email, text messaging, or chat.

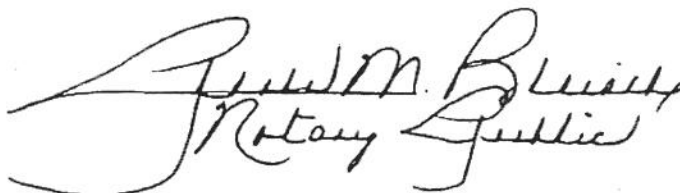
My last contact with Capt Wacker was on January 20, 2009. I remember it was January 20 because it was inauguration day. I sent Capt Wacker a chat message asking him when he would return from Washington DC. He responded by chat on his phone and wrote that he is scheduled to come back on Saturday but that he may return earlier. I expected Capt Wacker to contact me when he returned but he did not and I have not heard from him since. I found out from mutual friends at school that he is prohibited from contacting or speaking with me because of a military protective order that names me among several other people.

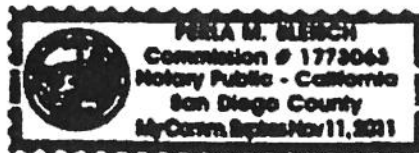
Two or Three weeks ago, I was contacted by NCIS Agent John Burge. He asked me if I had had contact with Capt Wacker in January. I answered that I had. When I said that I had, I was referring to the chat message on inauguration day and other contact that occurred before that. He did not ask me whether I had seen or met Capt Wacker and I did not explain what I meant by the word contact. I have never discussed the allegations with Capt Wacker nor has he solicited me to discuss the case with him since January 9, 2009.


Elizabeth G. McShan

3 April 2009
Date

Subscribed and sworn to before me on April 3, 2009 2009 in San Diego County, California.


Notary Public



Enclosure (4)



January 16, 2009

HAND DELIVERED

Douglas Wacker
1723 1/2 Diamond Street
San Diego, CA 92109

Re: Interim Leave

Dear Mr. Wacker:

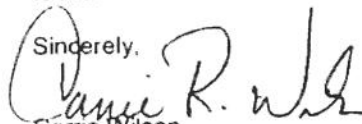
This letter is to notify you that you have been placed on an interim leave with the University of San Diego effective immediately. The decision was made following our receipt of additional information yesterday relating to your pending military case, and our ongoing concern for and commitment to safety.

The interim leave will be in effect until further notice while we continue our evaluation of the matter. In the meantime, you are not permitted to be on the university campus without the advance written permission of Chief Larry Barnett, the university's Assistant Vice President for Public Safety. Should you have a need to be on the university's campus, you may reach Chief Barnett at (619) 260-7777. If you are present on the university's campus without the required advance permission, you will be considered to be trespassing.

The university expects that you will comply with any military order issued to you relating to your contact with any University of San Diego students about your pending case. In addition, you are not to have any contact (in person, by phone, via email, via text, or otherwise) with Jessica Brooder, Elizabeth Easley or Nicole Cusack, except through your attorney and only if permitted under the terms of any applicable military order.

Thank you for your anticipated cooperation. If you have any other questions, please direct them to me.

Sincerely,



Carrie Wilson
Dean of Students

Cc: Donald Godwin, Associate Vice President for Student Affairs/Dean of Students
Larry Barnett, Assistant Vice President for Public Safety

School of Law
Office of the Dean
5998 Alcalá Park, San Diego, CA 92110-2422
Phone: (619) 260-4692 • Fax: (619) 260-2219
www.sandiego.edu

Enclosure (5)

Commanding Officer

Headquarters and Service Battalion



26 Jan 2009.

I gave Capt Wacker a direct order to have absolutely no contact with any of the persons listed in the MPO issued 9 Jan 2009 and the "no contact order" issued 9 Jan 2009 by Lt Col Bond.

[Handwritten signature]

acknowledged.

[Handwritten signature]

[Handwritten signature]
witnessed

A C BUDAYO

Enclosure (6)

Student Name: Douglas Scott Wacker
 Student ID: 003061393



Course Level: Juris Doctor
 Only Admit: Fall 2006

Current Program
 Juris Doctor

Program : Juris Doctor
 College : School of Law
 Campus : Law
 Major : Law

SUBJ NO COURSE TITLE CRED GRD PTS R

Institution Information continued:

Summer 2006
 LWVL 598 Judicial Internship 6.00 P 0.00
 Ehrs: 6.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00
 Cum-Ehrs: 62.00 GPA-Hrs: 45.00 QPts: 148.60 GPA: 3.30

Fall 2008
 LWAA 590 Tax I 3.00 B 9.00
 LWCR 510 Corrections and Sentencing 3.00 A 12.00
 LWGC 555 Law of Love 3.00 A 11.01
 LWLP 515 Interviewing and Counseling 3.00 F 0.00
 LWPP 525 Constitutional Law II 3.00 AD 0.00
 LWVI 555 Moot Court 1.00 P 0.00
 Ehrs: 13.00 GPA-Hrs: 9.00 QPts: 32.01 GPA: 3.56
 Cum-Ehrs: 75.00 GPA-Hrs: 54.00 QPts: 180.61 GPA: 3.34

Spring 2009
 IN PROGRESS WORK
 LWAA 580 Professional Responsibility 3.00 IN PROGRESS
 LWPP 546 Adv. Con. Law: Free Speech 3.00 IN PROGRESS
 LWTE 555 Trusts & Estates: Wills & Trust 4.00 IN PROGRESS
 In Progress Credits: 10.00

***** TRANSCRIPT TOTALS *****				
	Earned hrs	GPA hrs	Points	GPA
TOTAL INSTITUTION	75.00	54.00	180.61	3.34
TOTAL TRANSFER	0.00	0.00	0.00	0.00
OVERALL	75.00	54.00	180.61	3.34

***** END OF TRANSCRIPT *****

SUBJ NO COURSE TITLE CRED GRD PTS R

INSTITUTION CREDIT:

Fall 2006
 LWAA 510 Civil Procedure I 3.00 B- 8.01
 LWAA 530 Property 4.00 B 12.00
 LWAA 540 Torts 4.00 B- 13.32
 LWAA 545 Lawyering Skills I 2.00 P 0.00
 Ehrs: 13.00 GPA-Hrs: 11.00 QPts: 33.33 GPA: 3.03
 Cum-Ehrs: 13.00 GPA-Hrs: 11.00 QPts: 33.33 GPA: 3.03

Spring 2007
 LWAA 511 Civil Procedure II 3.00 B+ 9.99
 LWAA 515 Constitutional Law I 4.00 B+ 13.32
 LWAA 520 Contracts 4.00 B+ 13.32
 LWAA 525 Criminal Law 4.00 B 12.00
 LWAA 545 Lawyering Skills I 1.00 F 0.00
 Ehrs: 16.00 GPA-Hrs: 15.00 QPts: 48.63 GPA: 3.24
 Cum-Ehrs: 29.00 GPA-Hrs: 26.00 QPts: 81.96 GPA: 3.15

Fall 2007
 LWCR 520 Criminal Procedure I 3.00 B+ 9.99
 LWLP 529 Evidence 4.00 B+ 13.32
 LWPP 555 Law And Mental Disorder 3.00 F 12.00
 LWTE 554 Trusts And Estates: Community 3.00 B+ 9.99
 Ehrs: 13.00 GPA-Hrs: 13.00 QPts: 45.30 GPA: 3.48
 Cum-Ehrs: 42.00 GPA-Hrs: 39.00 QPts: 127.26 GPA: 3.26

Spring 2009
 LWCR 525 Criminal Procedure II 3.00 A- 11.01
 LWCR 535 Federal Crimes 2.00 B+ 6.00
 LWIP 523 The Constitution And The Inter 1.00 A- 3.67
 LWLP 550 Lawyering Skills II 3.00 H 0.00
 LWVL 515 Criminal Clinic I 4.00 P 0.00
 LWVI 559 Moot Court Honors Competition 1.00 P 0.00
 Ehrs: 14.00 GPA-Hrs: 6.00 QPts: 21.34 GPA: 3.56
 Cum-Ehrs: 56.00 GPA-Hrs: 45.00 QPts: 148.60 GPA: 3.30

***** CONTINUED ON NEXT COLUMN *****



5998 Alcalá Park, San Diego, California 92110-2492

The University of San Diego School of Law is accredited by the **American Bar Association** and is a member of the **Association of American Law Schools**. The University of San Diego is incorporated under the laws of the State of California and is invested with full power to confer degrees. It is accredited by the **Western Association of Schools and Colleges** and is approved for veterans.

Grading System

Grades computed in Grade Point Average for Students Prior to Either Fall 2004 or Summer 2005:

86 - 93	=	Excellent (A)
81 - 85	=	Very Good (B)
75 - 80	=	Satisfactory (Good) (C)
69 - 74	=	Passing, but Unsatisfactory (D)
65 - 68	=	Failing (F)
LP	=	Low Pass (Counted as a grade of 72)
F	=	Fail (Counted as a grade of 65)

Special Notation, Numeric Grading System:

#	=	Highest Grade in Section/Course
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Grades and Indicators Not Computed in Grade Point Average:

H	=	Honors
P	=	Pass
NR	=	No Report
IP	=	In Progress
W	=	Withdraw
AU	=	Audit

Grades computed in Grade Point Average effective Fall 2004 for first-year students and Summer 2005 for all others:

A+	=	4.33
A	=	4.00
A-	=	3.67
B+	=	3.33
B	=	3.00
B-	=	2.67
C+	=	2.33
C	=	2.00
C-	=	1.67
D+	=	1.33
D	=	1.20
L(ow) P(ass)	=	1.67
F(ail)	=	1.00

Academic Credit: A unit of credit represents 700 minutes of instruction per academic term

Juris Doctor First-Year Grades Prior to Fall 2003: First-semester grades issued to first-year students in Civil Procedure, Contracts, Property and Torts are not final grades, but count as 1/3 of the final course grade, while second-semester grades count as 2/3 of the final course grade.

Ordinal Class Rank Effective Fall 2004 for First-Year Students and Fall 2005 for All JD Students: Class rank is determined and posted to the transcripts only for the top 20% of each JD class

FEDERAL LAW PROHIBITS RELEASE OF THE INFORMATION ON THE REVERSE SIDE TO ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF THE STUDENT.

Enclosure (72)

DOUGLAS SCOTT WACKER

1723 1/2 Diamond Street, San Diego, CA 92109 • 858.401.9392 • douglas.wacker@gmail.com

EDUCATION

University of San Diego School of Law, San Diego, California

Juris Doctor expected May 2009, *Top Third of Class*

Honors: USD Appellate Moot Court Executive Board, 2008-2009; Associate Board, 2007-2008
-Tournament Coordinator, Paul A. McLennon Sr. Honors Moot Court Competition
-Drafted National Criminal Procedure Tournament Problem, Fall 2007
Best Memorandum, Lawyering Skills I (Legal Research and Writing), Fall 2006
Best Overall Advocate (Runner Up), Lawyering Skills I, Spring 2007
Semifinalist, USD Alumni Torts Moot Court Competition, Fall 2007
Octofinalist, Paul A. McLennon, Sr., Honors Moot Court Competition, Spring 2008
Honors, Lawyering Skills II (Trial Advocacy), Spring 2008
First Place, USD Intramural Negotiations Competition, Fall 2008
Second Place, California Bar Association Environmental Law Negotiations Competition, Spring 2009
Honor Court Justice, Student Bar Association, 2007-2008. Elected by peers.
President, Veteran Law Students Association, 2008-2009. Elected by peers.

Activities: *Volunteer*, Pro Bono Project, New Orleans, Louisiana, April 2007
Volunteer, Elder Law Clinic, San Diego, California, Fall 2007

University of California at Los Angeles, Los Angeles, California

Bachelor of Arts in English, March 2001

Activities: UCLA Men's Crew, 1998-2000
Sigma Nu Fraternity, 1997-2001; Inter-Fraternity Council Judicial Board, Justice, 1998-2000

EXPERIENCE

Washington State Supreme Court, Olympia, Washington Summer 2008

Judicial Extern, Chambers of the Honorable Susan Owens

Assisted law clerks in legal research and writing of bench memoranda for oral arguments. Evaluated petitions for review for procedural correctness and merit. Reviewed motions to modify the Supreme Court Commissioner's rulings in *habeas corpus* matters and drafted memoranda recommending action by the Court.

California Court of Appeal, Fourth District, Division Three, Santa Ana, California Summer 2008

Judicial Extern, Chambers of the Honorable Richard Aronson

Reviewed appellate briefs and trial records to draft bench memoranda for oral arguments in criminal cases. Summarized testimony from 2500 pages of trial transcripts in a contracts case for review by the staff attorneys.

United States Attorney's Office, Criminal Division, San Diego, California Spring 2008

Legal Intern, General Crimes Section

Reviewed case files and prepared motions and sentencing memoranda filed in United States District Court. Conducted research and drafted appellate briefs filed in United States Court of Appeals. Performed extensive legal research in federal criminal law and drafted memoranda to advise Assistant United States Attorneys.

Superior Court of California, County of Orange, Santa Ana, California Summer 2007

Judicial Extern, Complex Civil Litigation Division

Analyzed case files, evaluated evidence, and performed extensive legal research on law and motions. Drafted bench memoranda to advise judges on pending motions. Actively participated in settlement conferences.

United States Marine Corps, Captain, San Diego, California 1998-Present

Command and Control Systems Officer (2001-2006)

One of ten officers selected for Marine Corps Law Education Programs, 2006. Veteran, Operation Iraqi Freedom, 13th Marine Expeditionary Unit, 2005. Awarded Navy-Marine Corps Achievement Medal, 2004.

Student Judge Advocate (Summer 2007)

Reviewed investigations and preferred charges of violations of the UCMJ. Represented the Government and conducted an Administrative Separation Board. Performed extensive legal research in Military Justice and Civil Law (Ethics) and drafted memoranda for use in courts martial and to advise unit commanders.

INTERESTS

Competitive soccer and rugby. Recreational running, surfing, skiing, and golf.
World traveling and backpacking. PADI SCUBA certified Advanced Diver.

Enclosure (8)



University of San Diego

Student Affairs

June 14, 2007

Douglas Wacker
1723 1/2 Diamond St.
San Diego, CA 92109

CONFIDENTIAL

Dear Douglas,

I have received a Public Safety Report identifying you as allegedly violating the Student Code of Rights and Responsibilities. Due to the serious nature of the allegations you are to appear before the Critical Issues Board. That hearing is scheduled for Thursday, June 21st, 2007 from 9:00 a.m.-11:30 a.m. in University Center room 104. The hearing is a result of an alleged violation of Student Code of Rights and Responsibilities (The Code):

- Violation of law, including local, state and federal statutes, regulations and codes.
- Any inconsiderate behavior toward a community member or guest.
- Any sexual assault.

On April 3rd, 2007 you were allegedly involved in a serious incident that occurred in New Orleans, L.A.

Please refer to The Code found on the website. "Rules of Conduct," policy #'s 1, 5, and 8 and "Procedural Guidelines for the Disciplinary Process" included in your letter.

Please feel free to contact me with any questions including the process for bringing in the witness. Failure to appear at the hearing will most likely result in the hearing occurring without you and resulting in more serious sanctions.

Sincerely,

A handwritten signature in cursive script that reads "Marie G. Minnick".

Marie G. Minnick
Assistant Dean of Students



June 21, 2007

Douglas Wacker
1723 1/2 Diamond St.
San Diego CA 92109

CONFIDENTIAL

Dear Douglas,

This letter is being written as a follow up to the Critical Issues Board hearing that occurred on June 21, 2007. In that meeting it was determined that there was not a preponderance of evidence to find you responsible for violating section II.1, 5 or 8 of the Student Code of Rights and Responsibilities.

At the end of the hearing, however, you were reminded to have no contact with either Elizabeth Easley or Jessica Brooder.

Your cooperation in this matter is appreciated.

Sincerely,

Marie G. Minnick
Assistant Dean of Students

STATE OF LOUISIANA
VS

Douglas S. Wacker

PARISH OF ORLEANS
STATE OF LOUISIANA
DOCKET NO. 487-042
SECTION: M2

MOTION OF EXPUNGEMENT

Pursuant to Section 9 of Title 44 of the Revised Statute. Defendant

Douglas S. Wacker moves the Court for an order expunging the record
of (his/her) arrest in connection with New Orleans Police Department:

ITEM NO. J0891007

ARREST NO. 11740876

Dated 2/21/08 and of (his/her) prosecution in connection with Bill of
Information No. 487-042 charging RS 14:43.1

Showing the Court that a refusal was entered on July 21, 2008

Respectfully submitted,

Robert P. Elorke
Signature

3155 Pleasant St
Address

New Orleans, LA 70119
City, State, Zip Code

DEPT OF PUBLIC SAFETY
EXPUNGEMENT FEE

PAID

DATE 10/9/08

CLERK'S COST
PAID
J Hardy
DATE 10/9/08

ORDER

It is ordered pursuant to R.S. 44.9 that the arrest and prosecution records of

Douglas S. Wacker Date-of-Birth 6/6/79

in connection with the New Orleans Police Department:

ITEM NO. J-0891007

ARREST NO. 11740876

Dated 2/21/08 and Orleans Parish Criminal District Court Bill of Information
No. M481-042 Section M2, Violation

Sexual battery be

expunged by the appropriate officials.

The Clerk of Criminal District Court is directed to send certified copies of order to:
Superintendent Warren Riley, New Orleans Police Department
Eddie Jordan, District Attorney, Parish of Orleans
Lt. James McGuane, LA State Police, Bureau of Criminal Identification

sent to Office of the Clerk of Criminal District Court this 2nd day of October 2008.

[Signature] Deputy Clerk

JUDGE Raymond Beylaine

Hon. Arthur A. Morrell
Clerk of Criminal District Court
Orleans Parish

Enclosure (11)