



UNITED STATES MARINE CORPS

MARINE CORPS AIR STATION MIRAMAR
JOINT LAW CENTER
P.O. BOX 452022
SAN DIEGO, CALIFORNIA 92145-2022

IN REPLY REFER TO:
5800
MJO/esd
6 Jul 10

FIRST ENDORSEMENT on Defense Counsel's ltr 5801 dtd 22 Jun 10

From: Trial Counsel
To: Commanding General, Third Marine Aircraft Wing
Via: Staff Judge Advocate, Third Marine Aircraft Wing

Subj: REQUEST FOR EXPERT CONSULTANT (TOXICOLOGIST) IN THE CASE
OF UNITED STATES V. CAPTAIN DOUGLAS S. WACKER, XXX XX
3913, USMC

1. Forwarded recommending approval.
2. The accused is charged with violation of the UCMJ, Article 120, by raping an incapacitated civilian female victim. The defense requests that a forensic toxicologist, Dr. Aaron Jacobs, be designated as a defense expert consultant in order to discuss the effects of alcohol and other intoxicating substances on the human body.
3. The victims in this case allege lengthy periods of complete or episodic memory loss following heavy drinking. Therefore, the effects of alcohol and potentially other intoxicating substances will be at issue in the trial. Defense counsel do not have specialized experience or training regarding these matters and cannot testify.
4. As Dr. Jacobs is a government employee, the only expense to the government would be the cost of his travel to MCAS Miramar for testimony.
5. Based on the foregoing, I find that it would be appropriate to approve the defense request for an expert consultant.


E. S. DAY



UNITED STATES MARINE CORPS

THIRD MARINE AIRCRAFT WING
MARINE CORPS AIR STATION MIRAMAR
P. O. BOX 452038
SAN DIEGO CA 92145-2038

IN REPLY REFER TO:

5810

SJA

JUL 14 2010

SECOND ENDORSEMENT on Defense Counsel's ltr 5801 DEF dtd
22 Jun 10

From: Commanding General, Third Marine Aircraft Wing
To: Detailed Defense Counsel

Subj: REQUEST FOR EXPERT CONSULTANT (TOXICOLOGIST) IN THE CASE OF
UNITED STATES V. CAPTAIN DOUGLAS S. WACKER, XXX XX 3913,
USMC

Ref: (d) JAGMAN

1. Returned, approved. You are granted authority to obtain Dr. Aaron Jacobs, a forensic toxicologist, as an expert consultant and, if called upon, as an expert witness. While serving as an expert consultant, Dr. Jacobs' communications with the defense counsel and Captain Wacker will be protected by Military Rule of Evidence 502.

2. Per paragraph 0146(j)(2) of reference (d), Dr. Jacobs, who is a civilian witness in the employ of the Government, shall be paid only as authorized by Joint Travel Regulations. Expert fees are not authorized.

A handwritten signature in black ink, appearing to read "T. Conant".

T. CONANT

Copy to:
SJA
Comptroller
Trial Counsel