



UNITED STATES MARINE CORPS

OFFICE OF THE STAFF JUDGE ADVOCATE
MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION
3700 CHOSIN AVENUE
SAN DIEGO, CALIFORNIA 92140-5001

IN REPLY REFER TO:
5810
GKL
27 Oct 10

From: Captain G. K. Logan, USMC, Trial Counsel
To: Captain J. F. Boyer, USMC, Defense Counsel

Subj: GOVERNMENT RESPONSE TO DEFENSE WITNESS REQUEST IN
THE CASE OF UNITED STATES v. STAFF SERGEANT NICOLAS VEGA,
USMC

Ref: (a) R.C.M. 703(c)(2), MCM (2008 ed.)
(b) R.C.M. 703(b)(1), MCM (2008 ed.)

1. Pursuant to reference (a), your request for production of GySgt Lisa Hunter, GySgt Edward Holland, Miranda Loebnitz and Katie Orcutt is granted.
2. Pursuant to reference (b), your request for production of GySgt Aaron Varner is denied as irrelevant and unnecessary. The Defense's proffer of expected testimony for this witness does not pertain to a matter in issue on the merits and is, therefore, irrelevant and unnecessary.
3. Pursuant to reference (b), your request for production of SPC Adrianna Lucas is denied as irrelevant and unnecessary. The Defense's proffer of expected testimony for this witness does not pertain to a matter in issue on the merits and is, therefore, irrelevant and unnecessary.
4. Pursuant to reference (b), your request for production of Kathryn Gomieo is denied as irrelevant and unnecessary. The Defense's proffer of expected testimony for this witness does not pertain to a matter in issue on the merits and is, therefore, irrelevant and unnecessary.
5. Pursuant to reference (b), your request for production of Amanda Hayes is denied as irrelevant and unnecessary. The Defense's proffer of expected testimony for this witness does not pertain to a matter in issue on the merits and is, therefore, irrelevant and unnecessary.
6. Pursuant to reference (b), your request for production of Stephanie Sepulvida is denied as irrelevant and unnecessary. The Defense's proffer of expected testimony for this witness does not pertain to a matter in issue on the merits and is,

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therefore, irrelevant and unnecessary. Any knowledge Ms. Sepulvida has of the alleged assault is based on hearsay from the victim, Dana Orcutt.

7. Pursuant to reference (b), your request for production of SSgt Melissa Reyes is denied as irrelevant and unnecessary. The Defense's proffer of expected testimony for this witness fails to comply with RCM 703 and does not pertain to a matter in issue on the merits. It is, therefore, irrelevant and unnecessary.

8. Your request for production of Kayla Orcutt is denied as cumulative with the testimony of Dana Orcutt, Miranda Loebnitz and Katie Orcutt and, therefore, unnecessary.

9. Pursuant to reference (b), your request for production of Cpl Gloria Munoz is denied as irrelevant and unnecessary. The Defense's proffer of expected testimony for this witness does not pertain to a matter in issue on the merits and is irrelevant and unnecessary.


G. K. LOGAN
Capt, USMC
Trial Counsel

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CERTIFICATE OF SERVICE

A true copy of this response was served upon the Defense on this
date: 27 October 2010.


G. K. LOGAN
Capt, USMC
Trial Counsel