

## STATEMENT

Place : Bldg 7208, Miramar, CA

Date : August 5, 2008

*Cook - Married*

I, Elizabeth Marie EASLEY, make the following free and voluntary statement to Special Agent John BURGE whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of Jessica BROODER being raped by Douglas WACKER

For identification purposes I am a Hispanic female, born June 14, 1983 in Yuma, Arizona. My social security number is 601-12-5071. I am 5'9 1/2", 138 lbs, with brown hair and brown eyes. I am currently a part time student at the University of San Diego School of Law, San Diego, CA. My home address is 2034 San Diego Ave., San Diego, CA 92110.

Jessica Brooder, Rebecca Barker, Forrest Merithew, Susan Woo, Bobby O'Brien, Douglas Wacker, and I went to dinner in a place in the French Quarter. The rest of our group happened to be eating at the same place, so we joined them for dinner. Susan, Jess, and I ordered a bottle of wine, but the place did not have a full bottle available. I later ordered another glass of wine. I ended up having about 2 glasses of wine at dinner.

After dinner we decided to look for a jazz club. As we were walking we passed a place that served some type of famous New Orleans drink. The drink was green, had a lot of sweet and sour, and was served in a long tall glass with a straw. Doug bought Jess and Forrest a green drink, Bobby bought himself one, and I bought myself one. We had not finished the drinks by the time we got to a jazz club called the Funky Pirate, so we sat outside and finished drinking them. I could not finish mine and Forrest helped me drink it.

Once we got into the Funky Pirate I headed back to the bathroom while everyone else headed for the bar. When I came back I opened a tab and bought myself a Vodka-7up with a splash of cranberry and also bought Jessica a drink. While we watched the band play jazz a sign would flash which would signal kami-kazi shots, which were little test-tube beakers filled with kami-kazi. We all got a shot, and left once the band was finished.

We were walking back to the hotel and passed by a club that was playing some dance music. We decided to go in and dance some. I realized I had left my tab open at the funky pirate, so I left and walked back to the jazz club. When I got there the bartender told me Jess had also left her tab open. I closed out both tabs and left. Forrest had followed me and told me I should not have gone off by myself, so he walked me back to the dance club. I told him thank you for walking me.

When I got back to the club everyone was dancing, and I went to the dance floor. I remember some guys we did not know trying to dance with Jess and Becky, and I told them we all had boyfriends and were just out with the girls for the night. Later in the night Doug asked me if I wanted something to drink. I told him yes and asked him to get me a vodka with 7up. He asked me if Jess would want a

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Elizabeth Marie EASLEY  
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drink and what she drank and I told him sure, she would probably want a drink. I told him to get Jess a vodka tonic.

Later Doug came back with my drink, and walked off to find Jess to give her a drink. I took one sip from my drink, and felt dizzy and did not like the taste of it, so I decided to stop. I put down my drink on the table and went to get some water from the bar. I came back to the dance floor, and at some point Jess had me try a sip of her drink. I did not like it as I do not like tonic water and only had a small sip. I started dancing and this is when my memory starts to disappear.

I only have flashes of the rest of the night. I have a flash of Jess in the bathroom throwing up and I am holding her hair back. I also have a flash of leaving the bathroom and looking at the club and seeing it empty. I was confused because I thought it was full. I then have a flash of sitting at a table in a bar with what looks like slurpie machines, and I believe it was called the Big Easy. I had been to a bar earlier in the trip that had slurpie machines filled with alcoholic drinks, which was called the Big Easy I believe. I was sitting at the table facing Jess and Doug sat down and gave us drinks with straws. I also remember sitting at the table and looking to my left and seeing a man in a yellow shirt talking on a phone looking at us from behind a pillar.

My next flash is being in the hotel lobby. I am standing talking to Jess and the elevators are behind her, and the lobby desk is behind her to my left. My next flash is in a hotel room. I am lying on my back in the bed nearest the window and Jess is on my left also lying on the bed. The room is dark, and I can see a person kneeling between us on the bed. I can not make out who it is.

My next flash is I am lying on my back in the bed near the bathroom, and there is a man in boxer-like shorts straddling me. The bathroom or hall light is on at this point.

My next flash is I am lying in the same position on the same bed and I am very confused. I know I am in the wrong bed because in my hotel room I slept in the bed near the window. I also did not know where Becky was and thought it was odd she was not there. I then look to my left and see Jess lying on the bed near the window and Doug naked lowering himself on top of her. The hall or bathroom light was on and I was able to clearly see he was naked. Jess had her bra on at this time. I sat up, and said something with a this in it. Either "I,m not into this" or "I don't want to do this", put on my pants, grabbed my purse and ran out of the room. I turned around and saw the room number was 1008, a number I remembered because I had to use the code 10-08 numerous times every shift I was on for my old volunteer work. I then called my boyfriend Donald.

My next flash is in my old room, and Becky leaning out of the bed telling me to "Go get her!" Next I remember being at room 1008 and pounding on the door. It took a while for the door to open, at least 20 seconds, and when it did Doug was standing there in his boxers. I went past him into the room, pulled Jess out of bed, and told her we were leaving. I then tried to get her dressed. I put on her bra and shirt, could not find her underwear, and then pulled on her jeans. I could not figure out how to get them on her, and ended up putting them on backwards. At this point Doug laughed at me and told me I had them on backwards. I grabbed Jess's shoes and realized I had left my shoes there as well. I did not realize until then that I was not wearing shoes. I grabbed our shoes and got Jess out of the room.

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I then have a flash of Jess crying on the bed in our room with Becky and asking "what happened?". I remember feeling extremely angry because she was so distraught and she had a right to know what happened. I then left our room.

Next I remember getting to room 1008 and pounding on the door. Doug opened it and I asked him what had happened between him and Jess. He was laying down on the bed nearest the bathroom and said he was not going to tell me, if Jess wanted to know what happened she would have to ask him. I remember saying "I can't believe I stood up for you" and storming out. I do not know why I said that as I do not remember standing up for him.

At some point after that Doug texted Jess and then texted me, saying if she wants to know what happened then she should talk to him. I replied she does not want to talk and if he cared he would let her know what happened without subjecting her to more pain. I do not recall making these texts, I only know what was said by the copies of the texts.

The next flash is I am scratching Jess's back and singing to her, trying to get her to sleep. We were on the bed nearest the bathroom.

The next morning Becky woke us up and asked if we were going to work. I remember feeling physically ill. I was extremely achy, my stomach hurt, and I had a very bad headache. Jess and I then went back to sleep. When we woke up we talked some, but I do not recall what we said. That morning I do not have missing chunks of time like the night before, it is more I remember what happened but do not remember the details, like everything Jess and I talked about.

Doug called Jess that morning, and after she did not answer he came to our room. I do not remember everything he told us that morning, only a few things. He gave us a chronological order of the night. He said Jess threw up on the bar at the dance club and I took her to the restroom. He then said we told him we wanted to drink so he took us to the bar with the slurpie machines and got us a couple of drinks. He told us we started talking about having a threesome and said we wanted to have one with him. So he went back to the hotel and got a room. He said all three of us were kissing in the room and he was rubbing our stomachs. At that point I stopped listening and hid under the covers of the bed I was lying in. Up until that point I thought nothing had happened involving me, and was appalled at myself. I was also extremely confused because I know I would never do that. Doug continued talking, and at one point he said after I left nothing else happened but kissing with him and Jess. I then asked him, "Are you sure? Because when I left Jess had her bra on and when I came back it was off." Doug then said oh yeah, more clothes came off, but that was it. He then offered to talk to Justin, Jess's boyfriend for Jess. Jess felt very relieved that Doug said they did not have sex because she had already told Justin she had slept with Doug as that is what she thought had happened.

After he left Jess and I bought plane tickets to leave because we were so upset. Jess bought a plane ticket to go to San Diego and I bought one to go to Tucson.

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Elizabeth Marie EASLEY  
on August 5, 2008

This statement, consisting of this page and 3 other page(s) was typed for me by myself as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature: *E. M. Easley*

Sworn to and subscribed before me this 5 day of August in the year 2008 at

Building 7208 at Miramar, California

Witnessed: *[Signature]*

*[Signature]*  
Representative, Naval Criminal Investigative Service  
AUTH: DERIVED FROM ARTICLE 136,  
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

12.11.08

Dear Sir,

HERE IS A COPY OF THE LAB TEST RESULTS. YOU'LL NOTICE THE DATE THE TEST WAS ADMINISTERED WAS THE 6TH, SEVERAL DAYS AFTER THE INCIDENT

INITIALLY, I WAS NOTIFIED BY TELEPHONE THAT THEY HAD FOUND TRACE AMOUNTS OF SOME "DATE RAPE" DRUGS. A FEW DAYS LATER THEY NOTIFIED ME THERE HAD BEEN A MISTAKE & THE RESULTS WERE ~~THE~~ NEGATIVE, INCONCLUSIVE IN THAT TOO MANY DAYS HAD PASSED.

I'M SURE I TOLD YOU ALL THAT BEFORE.

OH... AND JUST FYI THIS FORM SUGGESTS I AM A CLIENT IN LASTING RECOVERY, BUT IT WAS REALLY JUST A DUMMY CLIENT # THEY ASSIGNED ME THROUGH DIANNE'S COLLEAGUE SO I COULD GET THE TESTING DONE RIGHT AWAY.

THANKS AGAIN!

JESSICA

## STATEMENT

Place : MCAS Miramar, CA, Bldg 7208

Date : January 16, 2009

I, Jessica Lee BROODER, make the following free and voluntary statement to Special Agent John R. BURGE whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of a sexual assault on me by Douglas WACKER.

For the purpose of identification I am a white female 26 years of age. My date of birth is 18Nov82 and I was born in San Diego, CA. My social security number is 565-99-7117. I currently reside at 1134 Van Buren Avenue, Venice, CA 90291. I am full time student at Loyola Law School Los Angeles, Los Angeles, CA.

Over spring break during our first year of law school, in April of 2007, myself along with a group of around 20 USD Law students went to New Orleans, LA with the Student Hurricane Network to volunteer with various legal programs in the area that were in need. Among the students that went to New Orleans were myself (Jessica Brooder), Elizabeth (Liz) Easley, Becky Barker, and Doug Wacker.

On the evening of April 3, 2007, after volunteering for the day, the four of us mentioned above, as well as several other students, walked to dinner from our hotel. We were seated at dinner for quite a while as there was a large group of us. Liz, myself, and another female student shared a bottle of wine at dinner. We had approximately 2 small glasses each. Becky was not drinking. She was feeling ill that day and had not reported to volunteer but was feeling well enough to come out by the evening.

After dinner the size of our group diminished to about 8 (or so) people. The eight (or so) of us (which included Doug, Liz, Becky and myself) walked to a nearby jazz club to watch a performer. On the way to the jazz club we stopped at a sort of drink kiosk and Doug purchased Liz and I drinks called hand grenades as well as one for himself. We stood around the street a little bit before going into the jazz club and drank the hand grenades. At this time I called my boyfriend and while I was talking to him in the street Doug began taking pictures of Liz and I with Becky's camera.

We then went to the jazz club and watched the performer and Liz and I had one drink there. I am unsure what Doug drank if anything at this time. Liz, Becky and myself were mostly keeping to ourselves taking pictures and talking.

We left the jazz club after watching the performer for a short while and walked to a nearby bar where there was dancing. I purchased two drinks when we got to the bar for myself and Liz. Immediately, Becky and I started dancing on the dance floor. We were joined by some other girls from our group. This is the point in the evening after which I do not recollect much of anything. At some point I recall all of us purchasing a shot that the bartender was bringing around that were on special for a dollar or something. I do not recall precisely when that was though. I do not remember anything after this point, when I was dancing with Becky and the girls, until the next day when I woke up in my hotel room with Liz. I do have a "flash" of memory from what I have determined to be the middle of the night in my

Continuation of voluntary sworn statement of  
Jessica Lee BROODER  
on January 16, 2009

hotel room that I shared with Becky and Liz and seeing Becky's face as if she was talking to me but I do not recall what was being said or anything beyond an image of Becky's face. That next morning when I woke up in the hotel room with Liz, Becky had already left to volunteer. Doug had left me several text messages and attempted to call my cell phone several times. In speaking to Liz that morning I was very upset because from what I could gather it seemed that Doug and I had sexual intercourse. I immediately called my boyfriend to tell him what I thought happened but that I could not remember anything. I returned Doug's call after I got off the phone with my boyfriend, and crying hysterically, I left a voicemail informing him that I could not remember anything and that I had given my boyfriend his phone number. He then arrived at Liz and my hotel room. He was dressed in a suit and had already reported to his volunteer job that morning. Liz and I were in our respective beds crying and he began to tell us what occurred the night before. *JLB*

*JLB* I do not personally recall the following but events but was told by others as to what occurred. I was told the following morning by Liz, and by Doug the morning of April 4, that Doug had offered to buy us drinks when we were at the bar, while I was dancing with the girls, and Liz told Doug what each of us would want. Doug then brought each of us our drinks to the dance floor. I drank my drink and Liz started to drink hers but then began to feel funny and put it down without finishing it. Doug told me that while I started out dancing fine, I was having trouble keeping my balance later on. Toward the end of the evening (I am unsure as to the precise time) Doug and Becky told me that I was sitting at the bar not feeling well. Becky told me that I told her that I was unable to see and kept telling her "I can't see anything." Doug and Becky both told me that I then threw up on the bar. They said I tried to grab another patron's drink glass to throw up in but I just threw up on the bar and Becky proceeded to clean it up while Liz and I went to the bathroom so I could throw up more. Liz told me she has a flash of memory of being in the bathroom and holding my hair back while I was throwing up at this point. While Liz and I were in the bathroom, Becky told Doug that she would like to leave with Forrest and asked Doug if he could please make sure Liz and I got back to the hotel safely. He agreed and Becky left with Forrest. Doug also said Becky asked him to get us home safely when he spoke to Liz and I the next morning. Doug told Liz and I that after we came out of the bathroom we left the bar and he then took us to a nearby daiquiri bar. He said that while we were walking to the daiquiri bar Liz was having trouble walking. Doug told us that while we were at the daiquiri bar we told him that we were interested in having a threesome with him. Liz and I were shocked at this statement. Neither Liz nor I have ever been involved in a threesome and our relationship with Doug to this point had been entirely platonic. Doug went on to say that we left the daiquiri bar and walked back to the hotel. When we got to the hotel Doug said he purchased a new hotel room on the 10<sup>th</sup> floor even though the room Liz and I were staying in with Becky was on the 7<sup>th</sup> floor as well as the room Doug was sharing with some other male students. Liz told me she had a flash of memory of being in the hotel room laying on her back on the bed with Doug on top of her straddling her waist. She told me she had another flash of memory where she saw me laying on my back on the other bed in the hotel room without a shirt on and Doug on top of me naked lowering himself on to me. She said the sheet was over us but she could see that he was naked. Liz said she then left the room in a panic and called her boyfriend who talked her down to the hotel room Becky was in. Liz said she told Becky what was happening and Becky told Liz to go back and get me from the room. Liz said she came back to the room where Doug and I were and knocked on the door several times. She said Doug finally came to the door in his boxers and I was laying on the bed completely naked. Liz tried to help dress me and take me from the room but she could not find my underwear and put my jeans on backwards and Doug started laughing. Doug agreed

Continuation of voluntary sworn statement of  
Jessica Lee BROODER  
on January 16, 2009

and said this all happened. Liz then took me back to the hotel room where Becky was and Becky said she began questioning me about what had happened and she said I did not know what she was talking about. She tried to tell me that I was naked with Doug and I responded by being confused at what she was saying. She then said I started to get very upset and that I wanted to call my boyfriend but she would not let me and said I should wait until the morning. Becky told me that I left the hotel room to go out in the hallway and Becky came to get me and ask me why I was out there. Becky said I told her I did not want to be in the hotel room because there were too many people in there (although only Liz, Becky and myself were in the room at the time.) While the three of us were in the hotel room, Liz tried to call Doug or text him to ask him what had happened because I did not know anything and I deserved to know. Doug responded by text, something to the effect that he would not tell Liz anything and that I could ask if I wanted to. Becky told me that I was speaking nonsense and that at some point I asked her if she had any "concerts" that I could wear. She did not know what I was talking about and I repeated, "concerts, you know, to sleep in." Becky asked me if I meant pajamas and then went to get some shorts out of my bag. Liz said she started to sing me to sleep because I wouldn't stop crying. When Doug was speaking to Liz and I the morning of April 4, we asked him what had happened when we were in the hotel room and he said, "nothing." He said that Liz, him and I were kissing but nothing else happened. Once Liz left the room he said that more clothes came off between him and I but no more sexual activity occurred beyond kissing. At this point I told him I had already told my boyfriend that I thought we had had intercourse and Doug said no that was wrong and that I could tell my boyfriend that it was only kissing. Doug offered to talk to Liz's and my boyfriend at this time to apologize for "taking advantage" if we wanted him to. I was crying and he left. Liz and I did not get out of bed all day and were crying and feeling physically ill. I was trembling and my body felt as if it was pulsating, like I could feel my heartbeat everywhere in my body. I decided I wanted to leave New Orleans immediately and Liz did as well. We booked flights for that afternoon as soon as was possible to go home (San Diego for me and Arizona for Liz). We took a cab to the airport and went out separate ways. The only flight I could get was New Orleans to North (or South, I do not recall) Carolina to Vegas to San Diego. I had started my period the afternoon of April 3 and while I was in the airport in North Carolina I went to the restroom and noticed blood in my pants. I did not remember changing my tampon or anything so I attempted to do so and noticed that my tampon had been shoved very deep inside me. It was extremely difficult to retrieve and took approximately 20 minutes to get it out. I was crying uncontrollably and knew then that Doug had lied to me that nothing more than kissing had happened because there was no other way for the tampon to be where it was except for sexual intercourse. I threw the tampon in the toilet and left the bathroom crying. *JB*

*JB* I got home at approximately 1 or 2 am (Wednesday night) Thursday morning April 5<sup>th</sup>. The day of the 5<sup>th</sup> I spent with my boyfriend who took the day off work. On Friday he had to go into the office so he took me to his mother's house because I did not want to be alone. My boyfriend's mother is in the drug and alcohol treatment field and that afternoon she arranged for me to have drug panel test done to check for date rape drugs. Days later, my boyfriend's mother had received a telephone call, which I was present during, saying the lab had found trace amounts of some type of date rape drug in my system. *JB*

*JB* School resumed the following Monday and neither Liz nor I attended classes for fear of seeing Doug there. That week, Wednesday I believe, we each received a phone call from Doug asking us where we were and about us not being at school. When we received this call, Liz and I and my boyfriend's



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Jessica Lee BROODER  
on January 16, 2009

mother went to USD to alert public safety and other administration at the law school to the incident. We reported the incident and the fact that there were drugs involved to the school. The following day my boyfriend's mother received another call from the lab saying they had made a mistake and the test was inconclusive. I immediately called the school, Dean Carrie Wilson, and let them know the new information. From this point on I began seeing a therapist at USD but never returned to classes. Liz did not return either but took her finals. I did not take my finals and went on a leave of absence. *JB*

*JB* During our first semester of law school in October of 2006 Doug had a party at his house. Liz and I were not planning on attending but decided to go at the last minute for a short time with my boyfriend. Liz and I and my boyfriend stayed for a little while and upon leaving, while my boyfriend was getting the car, Doug said he wanted to take a picture with Liz and I. We said ok and he stood there with Liz and I on either side of him while another person took our picture. While we were standing there Doug said, "This is how I want to wake up on New Year's morning," indicating that he meant between Liz and I. *JB*

*JB* This statement, consisting of this page and 3 other page(s) was typed for me by myself as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. *JB*

Signature: *Jessica Brooder*

Sworn to and subscribed before me this 16 day of January in the year 2009 at  
MCAS Miramar, CA, Bldg 7208

Witnessed: *Pra Kelly*  
*[Signature]* SA  
Representative, Naval Criminal Investigative Service  
AUTH: DERIVED FROM ARTICLE 136,  
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303