

**UNITED STATES MARINE CORPS  
IN THE WESTERN JUDICIAL CIRCUIT**

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U N I T E D   S T A T E S	)	
	)	
v.	)	
	)	
NICOLAS VEGA	)	MEMORANDUM OF PRETRIAL
STAFF SERGEANT	)	AGREEMENT
U.S. Marine Corps	)	
	)	

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I, STAFF SERGEANT NICOLAS VEGA, U.S. Marine Corps, the accused in a special court-martial, freely and voluntarily certify that:

1. For good consideration and after consultation with my defense counsel, I agree to enter a plea of GUILTY to the charges and specifications listed below at NONJUDICIAL PUNISHMENT, provided the convening authority agrees to withdraw the charges and specifications made against me at a pending special court-martial.

2. I understand this offer and agreement and have been advised that this offer and Agreement cannot be used against me in the determination of my guilt on any matters arising from the charges and specifications against me in this court-martial.

3. I am satisfied with my defense counsel in all respects.

4. My defense counsel has fully advised me of the meaning and effect of my guilty plea, and its attendant effects and consequences. I understand any administrative discharge I receive may be characterized as other than honorable.

5. I understand the jurisdictional limits on punishment at nonjudicial punishment for an service member in the pay grade of E-6 are as follows: forfeiture of one-half of one month's pay for two months, 45 days restriction, 45 days extra duties, or 60 days restriction if no extra duties are imposed.

6. I expressly understand that this pretrial agreement will become null and void in the event:

- (1) I fail to accept nonjudicial punishment; or,
- (2) Prior to the commanding officer imposing nonjudicial punishment, I refuse nonjudicial punishment.

7. I understand that, if this agreement become null and void, the convening authority is free to withdraw the charges from nonjudicial punishment and again refer them to a trial by special court-martial.

8. I will plead as follows:

**PLEAS OF THE ACCUSED**

<u>CHARGE</u>	<u>PLEAS</u>
Charge I: Violation of Article 92	Guilty
Specification: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, on active duty, did, at or near San Diego, California, between on or about January 2009 and on or about December 2009, on divers occasions, violate a lawful general regulation, to wit: section 2-301b, Department of Defense 5500.7-R (Joint Ethics Regulation), Second Amendment, dated 25 March 1996, by wrongfully using a government-owned computer to store illicit sexual materials.	Guilty, except the word "store" substituting therefore the word, "solicit." To the excepted words: Not Guilty; to the substituted words: Guilty
Charge II: Violation of Article 134	Guilty
Specification 1: In that Staff Sergeant Nicolas Vega Jr., United States Marine Corps, a married man, on active duty, did, at or near San Diego, California, between on or about January 2008 and on or about May 2009, wrongfully have sexual intercourse with Dana Orcutt, a woman not his wife.	Guilty
Specification 2: In that Staff	Guilty

<p>Sergeant Nicolas Vega Jr., United States Marine Corps, a married man, on active duty, did, at or near San Diego, California, between on or about November 2007 and on or about May 2009, wrongfully have sexual intercourse with Nuvia Gomez, a woman not his wife.</p>	
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9. I understand that in return for my plea of guilty, the convening authority agrees to refer the charges and specifications to which I will plead guilty to nonjudicial punishment. I understand and agree that, in return for my accepting NJP, the convening authority will withdraw the charges and specifications from court martial. After the announcement of the punishment by the non-judicial punishment officer, the withdrawn charges and specifications will be dismissed by the convening authority with prejudice.

10. I agree to enter into a Stipulation of Fact. I agree that the facts contained therein are true and may not be contradicted by either side. I further agree not to object to the stipulation's use during the nonjudicial punishment proceeding.

11. It is expressly understood that I will not commit any act of misconduct chargeable under the Uniform Code of Military Justice between the date both parties have signed this agreement and the date of nonjudicial punishment. Any act or misconduct on my part after both parties have signed this agreement and before the date of nonjudicial punishment will be grounds for withdrawal from this agreement by the convening authority.

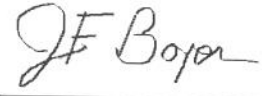
12. This Agreement constitutes all the conditions and understandings of both the Government and myself regarding the pleas and sentence limitations in this case. There are no other agreements, oral or written, expressed or implied, between myself and the convening authority or any other representative of the government.

Accused:

  
NICOLAS VEGA JR.  
STAFF SERGEANT  
U.S. Marine Corps

Date: 20101109

Defense Counsel:

  
JOHN F. BOYER  
CAPTAIN  
U.S. Marine Corps

Date: 8 Nov 10

The foregoing pretrial agreement is approved.

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S.C. SMITH  
COLONEL  
U.S. Marine Corps  
Commanding

Date: \_\_\_\_\_