



THE LAW FIRM OF PUCKETT AND FARAJ, PC

August 25, 2010

VIA: EMAIL

Maj Socrates Maroudis
Blue Angels Liaison
MCAS Miramar Air Show

Re: Request for IRO reconsideration hearing in the case of U.S. v. SSgt Nicholas Vega

Dear Major Maroudis:

Pursuant to R.C.M. 305, I request an immediate IRO reconsideration hearing in the case of U.S. v. SSgt Nicholas Vega. The basis for the reconsideration hearing is provided below.

During the Article 32 hearing on August 25, 2010, several evidentiary matters were discovered or became clear.

1. At the time of the decision to confine SSgt Vega- the accused- his command was under the mistaken belief that he had taken a life insurance policy on the life of his accuser with him as the beneficiary. That is NOT true. The life insurance policy had the accuser's mother as the beneficiary. The mother stated her daughter told her the beneficiary is Vega. She still believes that. That statement is patently untrue. Insurance policy documents disprove the accuser's allegations.
2. In her statement to NCIS, the accuser, Dana Orcutt, claimed she was raped while she was incapacitated. On the stand at the Article 32 she testified that she had a substantial conversation with SSgt Vega that night whom she admitted she loved very much and desired her family to like him. She stated "I told him to put it in my butt" WITHOUT him asking her for sex but that he entered her vagina instead. She also testified that she wanted to work hard to save the relationship for two years and demanded that they go to counseling but became very upset when he would not open up emotionally like she did.
3. She also testified that with respect to the allegation of the cut lip under Article 128, she punched SSgt Vega in the mouth on the same day that he had oral surgery and that he simply walked away. She testified that he DID NOT punch her nor cause her a cut lip which is contrary to her previous written statement. She previously gave a statement to NCIS that he punched her in the mouth and cut her lip after she punched him in the mouth.
4. During the Article 32 hearing the accuser also admitted that she told SSgt Vega that she stole his gun. The gun is a key issue in the case because the accuser alleged that SSgt Vega threatened her with that gun in the Spring of 2009. Her claim that he threatened

her with the gun was thoroughly impeached. The gun disappeared by her own hand on June 17, 2008. She admitted that Vega continued to ask her about his gun well into 2009. SSgt Vega couldn't have threatened her with a gun that she stole in June of 2008 and that he continuously asked her to return until they broke up in 2009.

5. Finally, there has been no contact between Vega and his accuser since late 2009. Confining him in June of 2010 is simply unfair. The facts that initially justified confinement simply do not exist. Even the Article 32 Investigating Officer wondered why SSgt Vega is confined.

Very Respectfully submitted,



Waynam Faraj, Esq.