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THE LAW FIRM OF PUCKETT AND FARAJ, PC

September 16, 2010

Via email: sean.sullivan@USMC.mil

Commanding Officer
Headquarters & Services Battalion
MCRD- San Diego
3700 Chosin Ave, Building 12
San Diego, CA 92140

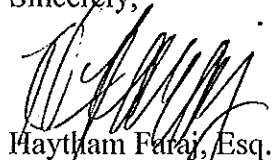
Re: Request release from pretrial confinement of SSgt Nicholas Vega

Dear Col Smith,

I am sure that by now you had a chance to review the Article 32 Investigating Officer report in *U.S. v. Vega* or an opportunity to be briefed on the findings. As you can see there is no basis to believe that there were any serious crimes committed by SSgt Vega. The crimes alleged are baseless and are nothing more than fantastical stories. If you had heard and observed the testimony of Dana Orcutt and her family, you would know what an injustice the investigation into the sexual misconduct charges has been, not to mention the actual confinement. As the Commanding Officer, I understand that you have a duty to investigate and must take such allegations seriously. I also recognize that it cannot be an easy decision to confine one of your staff non-commissioned officers. You now have a report from a neutral Judge Advocate who did not find any basis that any serious offenses were committed, even when applying the low burden under Article 32. Without a basis to support the allegation that a serious offense has been committed, the basis for continued confinement also disappears. SSgt Vega should be immediately released from pretrial confinement because he is not a flight risk and he is not a threat.

The evidence clearly showed that in the last few months of the relationship between SSgt Vega and Dana Orcutt, he endeavored to convince her to stay away from him, not the other way around. His release is merited regardless of what you decide to do with the charges because the criteria to continue him in confinement under R.C.M. 305 simply do not exist. I, therefore, respectfully request that you release SSgt Vega from pretrial confinement.

Sincerely,



Haytham Faraj, Esq.

Copy to: SJA

Detailed counsel
Client