

## CHARGE SHEET

### I. PERSONAL DATA

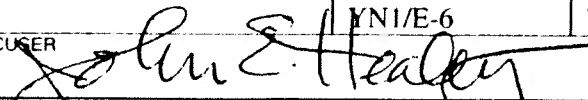
1. NAME OF ACCUSED ( <i>Last, First, MI</i> ) <b>HAMILTON, Herbert, M. III</b>		2. SSN [REDACTED]	3. RANK/RATE <b>CAPT</b>	4. PAY GRADE <b>O-6</b>	
5. UNIT OR ORGANIZATION <b>United States Coast Guard Sector Anchorage Anchorage, Alaska</b>			6. CURRENT SERVICE		
			a. INITIAL DATE <b>26 June 1989</b>	b. TERM <b>INDEF</b>	
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED  <b>None</b>	9. DATE(S) IMPOSED  <b>N/A</b>		
a. BASIC	b. SEA/FOREIGN DUTY				c. TOTAL
<b>\$9,262.20</b>	<b>0</b>				<b>\$9,262.20</b>

### II. CHARGES AND SPECIFICATIONS

10. CHARGE: **VIOLATION OF THE UCMJ, ARTICLE**

SEE CHARGES AND SPECIFICATIONS ON THE ATTACHED CONTINUATION SHEETS.

### III. PREFERRAL

11a. NAME OF ACCUSER ( <i>Last, First, MI</i> ) <b>Healey, John E.</b>	b. GRADE <b>YN1/E-6</b>	c. ORGANIZATION OF ACCUSER <b>USCG District 17</b>
d. SIGNATURE OF ACCUSER 		e. DATE <b>3 November 2009</b>

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 3rd day of November, 2009, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Greg E. Versaw  
*Typed Name of Officer*

USCG District 17  
*Organization of Officer*

O-4 U.S. Coast Guard  
*Grade and Service*

Judge Advocate  
*Official Capacity to Administer Oaths  
(See R.C.M. 307(b)--must be commissioned officer)*

  
*Signature*

12. On 3 November 2009, the accused was informed of the charges against him and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

Michael D. Inman

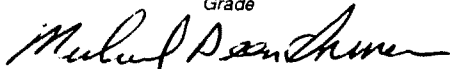
*Typed Name of Immediate Commander*

USCG District 17

*Organization of Immediate Commander*

O-6/CAPT

*Grade*



*Signature*

**IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY**

13. The sworn charges were received at 1456 hours, 3/4 November 2009 at USCG District 17  
*Designation of Command or*

*Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)*

FOR THE \_\_\_\_\_

Christopher C. Colvin

*Typed Name of Officer*

Commander

*Official Capacity of Officer Signing*

O-8/RADM

*Grade*



*Signature*

**V. REFERRAL; SERVICE OF CHARGES**

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

Referred for trial to the \_\_\_\_\_ court-martial convened by \_\_\_\_\_

\_\_\_\_\_ 2009, subject to the following instructions:<sup>2</sup> \_\_\_\_\_

By \_\_\_\_\_ of \_\_\_\_\_  
*Command or Order*

\_\_\_\_\_  
*Typed Name of Officer*

\_\_\_\_\_  
*Official Capacity of Officer Signing*

\_\_\_\_\_  
*Grade*

\_\_\_\_\_  
*Signature*

15. On \_\_\_\_\_ 20\_\_\_\_\_, I (caused to be) served a copy hereof on (each of) the above named accused.

William G. Dwyer

*Typed Name of Trial Counsel*

O-4/LCDR

*Grade or Rank of Trial Counsel*

\_\_\_\_\_  
*Signature*

**FOOTNOTES**

1 -- When an appropriate commander signs personally, inapplicable words are stricken.

2 -- See R.C.M. 601(e) concerning instructions. If none, so state.

**CONTINUATION SHEET**

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**DD 458 Block 10 ICO CAPTAIN HERBERT M. HAMILTON, III, USCG**

**Charge I: Violation of the UCMJ, Article 92:**

**Specification 1:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska, on divers occasions between on or about 1 August 2008 and on or about 10 May 2009, fail to obey a lawful general order to wit: COMDTINST M5370.8B, Standards of Ethical Conduct, dated 1 March 2002, implementing Section 2635.704(a) of 5 C.F.R. Part 2635, by wrongfully using a government cellular phone for other than its authorized purpose for his own personal use by placing and receiving personal phone calls to and from [REDACTED], U.S. Coast Guard, to and from [REDACTED], U.S. Coast Guard, and by sending and receiving unofficial, sexual, and amorous text messages to and from [REDACTED] and [REDACTED].

**Specification 2:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska; Kodiak, Alaska; Los Angeles, California; and Keesler Air Force Base, Biloxi, Mississippi, on divers occasions between on or about 30 April 2007 and on or about 10 May 2009, fail to obey a lawful general regulation to wit: paragraph 8.H.2.g., COMDTINST M1000.6A, Personnel Manual, dated 8 January 1988, by wrongfully engaging in a romantic relationship outside of marriage between the said Captain Hamilton, a commissioned officer, and [REDACTED], U.S. Coast Guard, an enlisted person.

**Specification 3:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Kodiak, Alaska, and Kenai, Alaska, on divers occasions between on or about 23 September 2008 and on or about 30 November 2008, fail to obey a lawful general regulation to wit: paragraph 8.H.2.g., COMDTINST M1000.6A, Personnel Manual, dated 8 January 1988, by wrongfully engaging in a romantic relationship outside of marriage between the said Captain Hamilton, a commissioned officer, and [REDACTED], U.S. Coast Guard, an enlisted person.

**Specification 4:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Morgan City, Louisiana, and Los Angeles, California, on divers occasions between on or about 01 November 2004 and on or about 30 September 2006, fail to obey a lawful general regulation to wit: paragraph 8.H.2.g., COMDTINST M1000.6A, Personnel Manual, dated 8 January 1988, by wrongfully engaging in a romantic relationship outside of marriage between the said Captain Hamilton, a commissioned officer, and [REDACTED], U.S. Coast Guard, an enlisted person.

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**DD 458 Block 10 ICO CAPTAIN HERBERT M. HAMILTON, III, USCG**

**Specification 5:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska, on divers occasions between on or about 01 December 2008 and on or about 11 May 2009 violate a lawful general order, to wit: Section 8.a.(1), Limited Personal Use of Government Office Equipment, COMDTINST 5375.1B, dated 22 Nov 2004, by wrongfully downloading and storing sexually explicit material on his government issued laptop computer.

**Specification 6:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, having knowledge of a lawful order issued by Rear Admiral Arthur Brooks, U.S. Coast Guard, not to have contact with U.S. Coast Guard Sector Anchorage staff, an order which it was his duty to obey, did at or near Elmendorf Air Force Base, Anchorage, Alaska, on or about July 2009, fail to obey the same by wrongfully speaking to [REDACTED], U.S. Coast Guard.

**Charge II: Violation of the UCMJ, Article 107:**

**Specification 1:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska, on or about 11 May 2009, with intent to deceive, make to S/A Henry McCullough and S/A Richard Vanlandingham, both of the Coast Guard Investigative Service, an official statement, to wit: "We are very close, I am not going to say we are not but we did not have a sexual relationship," or words to that effect, which statement was false in that Captain Hamilton did have a sexual relationship with [REDACTED] U.S. Coast Guard, and was then known by the said Captain Hamilton to be false.

**Specification 2:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska, on or about 11 May 2009, with intent to deceive, make to S/A Henry McCullough and S/A Richard Vanlandingham, both of the Coast Guard Investigative Service, an official statement, to wit: "Not that I recall, not that I am aware," or words to that effect, which statement was false in that Captain Hamilton did have sexual relationships with [REDACTED], U.S. Coast Guard, and [REDACTED], U.S. Coast Guard, and was then known by the said Captain Hamilton to be false.

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**Charge III: Violation of the UCMJ, Article 120:**

**Specification 1:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska; Kodiak, Alaska; and Los Angeles, California, on divers occasions between on or about 01 July 2008 and on or about 10 May 2009, wrongfully commit indecent conduct, to wit: penetrating [REDACTED] anus with a foreign object, his finger, and his tongue and having [REDACTED] penetrate his anus with her finger.

**Specification 2:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Kodiak, Alaska, between on or about 27 October 2008 and on or about 29 October 2008, wrongfully commit indecent conduct, to wit: penetrating [REDACTED] anus with his finger.

**Charge IV: Violation of the UCMJ, Article 125:**

**Specification 1:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska; Kodiak, Alaska; Keesler Air Force Base, Biloxi, Mississippi; and Los Angeles, California, on divers occasions between on or about 01 August 2007 and on or about 10 May 2009, commit sodomy with [REDACTED], U.S. Coast Guard.

**Specification 2:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Kodiak, Alaska, and Kenai, Alaska, on divers occasions between on or about 23 September 2008 and on or about 30 November 2008, commit sodomy with [REDACTED], U.S. Coast Guard.

**Specification 3:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Los Angeles, California, between on or about 01 September 2006 and on or about 30 September 2006, commit sodomy with [REDACTED], U.S. Coast Guard.

**Charge V: Violation of the UCMJ, Article 132:**

**Specification:** In that Captain Herbert M. Hamilton III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska, on or about 19 December 2008, by preparing a DD Form 1351-2 for presentation for approval or payment make a claim against the United States in the amount of \$160.79, which claim was false and fraudulent in the amount of \$160.79 in that Captain Hamilton claimed reimbursement for a rental car and fuel for a rental vehicle for which he was not authorized and did so on the incorrect Travel Order Number (TONO) account and was then known by Captain Hamilton to be false and fraudulent.

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**DD 458 Block 10 ICO CAPTAIN HERBERT M. HAMILTON, III, USCG**

**Charge VI: Violation of the UCMJ, Article 133:**

**Specification 1:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Los Angeles, California; Kodiak, Alaska; and Anchorage, Alaska, on divers occasions between on or about 01 August 2007 and on or about 10 May 2009 wrongfully and dishonorably photograph sexual acts, lewd acts and sexual contact with [REDACTED], U.S. Coast Guard, an enlisted member, including photographing penetration of her mouth, vagina and anus with his penis.

**Specification 2:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Juneau, Alaska, on or about 18 February 2009 disgrace himself and compromise his standing as an officer by calling the Sector Anchorage Command Center from his government issued cellular telephone while engaged in sexual activity.

**Specification 3:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska, between on or about January 2009 and on or about 09 May 2009 attempt to wrongfully influence the career of and defame the character of [REDACTED], U.S. Coast Guard, by communicating adverse information provided by [REDACTED], U.S. Coast Guard, to [REDACTED] assignment officer and his future supervisor.

**Specification 4:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Milwaukee, Wisconsin, and Houma, Louisiana, between on or about 04 November 2004 and on or about 14 June 2005 communicate personal and romantic text messages to then [REDACTED], a woman not his wife, an act which dishonored and disgraced his position as an officer.

**Specification 5:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska, between on or about 30 April 2007 and on or about 11 May 2009 did photograph and wrongfully transmit photographs of his genitalia to [REDACTED], U.S. Coast Guard, an act which dishonored and disgraced his position as an officer.

**Specification 6:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska, between on or about 30 April 2007 and on or about 11 May 2009 request [REDACTED], U.S. Coast Guard, to transmit photographs and video of the said [REDACTED] engaging in masturbation, an act which dishonored and disgraced his position as an officer.

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**DD 458 Block 10 ICO CAPTAIN HERBERT M. HAMILTON, III, USCG**

**Specification 7:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Long Beach, California, on or about December 2007, stop and request [REDACTED], U.S. Coast Guard, to accompany the said Captain Hamilton to his trailer to drink tequila, an act which dishonored and disgraced his position as an officer.

**Specification 8:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska, between on or about 01 October 2008 and on or about 10 May 2009, wrongfully solicit then [REDACTED] U.S. Coast Guard, to destroy all evidence then [REDACTED] possessed evidencing a wrongful romantic relationship between Captain Hamilton and [REDACTED], U.S. Coast Guard.

**Charge VII: Violation of the UCMJ, Article 134:**

**Specification 1:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at various locations in the state of Alaska on divers occasions between on or about 11 July 2008 and on or about 10 May 2009, knowingly fraternize with [REDACTED], U.S. Coast Guard, an enlisted person, on terms of military equality to wit: by wrongfully discussing with her the performance of commissioned officers under his command and by seeking from her input regarding non-judicial punishment of enlisted members in Valdez, Alaska, in violation of the customs of the United States Coast Guard, that officers shall not fraternize with enlisted persons on terms of military equality.

**Specification 2:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at various locations in the state of Alaska on divers occasions between on or about 23 September 2008 and on or about 30 November 2008, knowingly fraternize with [REDACTED], U.S. Coast Guard, an enlisted person, on terms of military equality to wit: wrongfully exchanging personal and romantic telephone calls, emails, and text messages in violation of the customs of the United States Coast Guard, that officers shall not fraternize with enlisted persons on terms of military equality.

**Specification 3:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, a married man, did at or near Anchorage, Alaska; Kodiak, Alaska; Los Angeles, California; and Keesler Air Force Base, Biloxi, Mississippi, on divers occasions between on or about 30 April 2007 and on or about 10 May 2009, wrongfully have sexual intercourse with [REDACTED], U.S. Coast Guard, a woman not his wife.

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**DD 458 Block 10 ICO CAPTAIN HERBERT M. HAMILTON, III, USCG**

**Specification 4:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, a married man, did at or near Kodiak, Alaska, and Kenai, Alaska, on divers occasions between on or about 23 September 2008 and on or about 30 November 2008, wrongfully have sexual intercourse with [REDACTED], U.S. Coast Guard, a woman not his wife.

**Specification 5:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, a married man, did at or near Chicago, Illinois; New Orleans, Louisiana; and Los Angeles, California, on divers occasions between on or about 01 September 2005 and on or about 30 July 2008, wrongfully have sexual intercourse with [REDACTED], a married woman not his wife.

**Specification 6:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at an unknown location, on or about 19 April 2009, in writing communicate to [REDACTED], U.S. Coast Guard, certain indecent language, to wit: “

[REDACTED]” or words to that effect.

**Specification 7:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Anchorage, Alaska, and Kodiak, Alaska, on divers occasions between on or about 30 April 2007 and on or about 10 May 2009, wrongfully solicit [REDACTED], U.S. Coast Guard, to engage in sexual acts with the said Captain Hamilton by exchanging sexually explicit text messages, which conduct was prejudicial to the good order and discipline or was of a nature to bring discredit upon the armed forces.

**Specification 8:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Kenai, Alaska, on or about 23 September 2008, wrongfully solicit [REDACTED], U.S. Coast Guard, to engage in sexual acts with the said Captain Hamilton by inviting [REDACTED] to his hotel room, and exchanging text messages where the said Captain Hamilton encouraged [REDACTED] to come to his hotel room, which conduct was prejudicial to the good order and discipline or was of a nature to bring discredit upon the armed forces.

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**DD 458 Block 10 ICO CAPTAIN HERBERT M. HAMILTON, III, USCG**

**Specification 9:** In that Captain Herbert M. Hamilton, III, U.S. Coast Guard, Sector Anchorage, Alaska, on active duty, did at or near Los Angeles, California, on or about September 2006, wrongfully solicit [REDACTED], U.S. Coast Guard, to engage in sexual acts with the said Captain Hamilton by inviting [REDACTED] to his barracks room, which conduct was prejudicial to the good order and discipline or was of a nature to bring discredit upon the armed forces.