

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (<i>Last, First, MI</i>) HOWELL, Ian M.			2. SSN [REDACTED]	3. RANK/RATE BM2	4. PAY GRADE E-5
5. UNIT OR ORGANIZATION Coast Guard Station San Diego				6. CURRENT SERVICE	
				a. INITIAL DATE 1 OCT 2009	b. TERM 1 year
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED None	9. DATE(S) IMPOSED N/A	
a. BASIC [REDACTED]	b. SEA/FOREIGN DUTY [REDACTED]	c. TOTAL [REDACTED]			

II. CHARGES AND SPECIFICATIONS


10. Charge I: Violation of the UCMJ, Article 92

Specification 1: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, who knew of his duties at or near U.S. Coast Guard Station San Diego, California, on or about 20 December 2009, was derelict in the performance of those duties in that he negligently failed to enforce the requirement for the coxswain to conduct a risk assessment or designate lookouts, prior to the vessel CG 33118 getting underway, as it was his duty to do. ** as Officer of the Day (OOD) / Section Leader,*

Specification 2: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, who knew of his duties at or near San Diego Bay, California, on or about 20 December 2009, was derelict in the performance of those duties in that he negligently failed to perform as a lookout on the vessel CG 33118, as it was his duty to do.

(SEE SUPPLEMENTAL PAGES)

III. PREFERRAL

11a. NAME OF ACCUSER (<i>Last, First, MI</i>) ALEXANDER, Jonathan A.	b. GRADE LT	c. ORGANIZATION OF ACCUSER Coast Guard Force Readiness Command
d. SIGNATURE OF ACCUSER 		e. DATE 7/1/2010

AFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 1st day of July 2010, 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.

M. A. BRADEN

Typed Name of Officer

LCDR, U.S. Coast Guard

Grade and Service


Signature

11th Coast Guard District

Organization of Officer

Judge Advocate

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

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Charge II: Violation of the UCMJ, Article 110

Specification: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, while serving as officer of the day of Coast Guard Station San Diego and crewman on the vessel CG 33118 underway at or near San Diego Bay, California, on or about 20 December 2009, and well knowing that the San Diego Parade of Lights commenced at or about 1740 and after sunset, and well knowing numerous vessels were throughout San Diego Bay observing the Parade of Lights, and well knowing that background lighting in San Diego Bay made navigating and operating more demanding on the coxswain and crew, did then and there negligently suffer CG 33118 to be hazarded by failing and neglecting to advise the coxswain to maintain a safe speed, as a result of which neglect CG 33118, at or about 1745 hours on the day aforesaid, collided with the recreational vessel CF2607PZ, with resultant damage to both vessels. ** (OOD) / Section Leader,*

MAR
500710

Charge III: Violation of the UCMJ, Article 128

Specification 1: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009, by culpable negligence, commit an assault upon [REDACTED] by failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED].

Specification 2: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009, by culpable negligence, commit an assault upon [REDACTED], a child under the age of 16 years, by failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED].

Specification 3: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009, by culpable negligence, commit an assault upon [REDACTED] a child under the age of 16 years, by failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED].

Specification 4: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009, by culpable negligence, commit an assault upon [REDACTED], a child under the age of 16 years, by failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED].

Specification 5: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009, by culpable negligence, commit an assault upon [REDACTED], a child under the age of 16 years, by failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED].

Specification 6: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009, by culpable negligence, commit an assault upon [REDACTED], a child under the age of 16 years, by failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED].

(SEE SECOND SUPPLEMENTAL PAGE)

ORIGINAL

Charge III: Violation of the UCMJ, Article 128 (continued)

Specification 7: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009,*commit an assault upon [REDACTED], a child under the age of 16 years, by ~~negligently~~ failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED]. **by culpable negligence*

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6 JUL 10

Specification 8: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009,*commit an assault upon [REDACTED] by ~~negligently~~ failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED]. **by culpable negligence*

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Specification 9: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009,*commit an assault upon [REDACTED] by ~~negligently~~ failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED]. **by culpable negligence*

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Specification 10: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009,*commit an assault upon [REDACTED] by ~~negligently~~ failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED]. **by culpable negligence*

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Specification 11: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009,*commit an assault upon [REDACTED] by ~~negligently~~ failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED]. **by culpable negligence*

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Specification 12: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did, at or near San Diego Bay, California, on or about 20 December 2009,*commit an assault upon [REDACTED] by ~~negligently~~ failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the assault of the said [REDACTED]. **by culpable negligence*

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Charge IV: Violation of the UCMJ, Article 134

Specification: In that BM2 Ian M. Howell, U.S. Coast Guard Reserve, while on active duty, did at or near San Diego Bay, California, on or about 20 December 2009, unlawfully kill [REDACTED], by negligently failing to advise the coxswain of the vessel CG 33118 to maintain a safe speed, and thereby causing CG 33118 to collide with the recreational vessel CF2607PZ, resulting in the death of the said [REDACTED].

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