

BLANK CHARGE SHEET (DD-458)

12.

On _____, _____, the accused was informed of the charges against him/her 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.)

Typed Name of Immediate Commander

Grade

Signature

Organization of Immediate Commander

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at _____ hours, _____ at _____
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)
FOR THE ¹ _____

Typed Name of Officer

Grade

Signature

Official Capacity of Officer Signing

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 _____

_____, _____, subject to the following instructions: ² _____

By _____ of _____
Command or Order

Typed Name of Officer

Grade

Signature

Official Capacity of Officer Signing

15.

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

Typed Name of Trial Counsel

Signature

Grade or Rank of Trial Counsel

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.

SAMPLE CHARGE SHEET (DD-458)

CHARGE SHEET				
I. PERSONAL DATA				
1. NAME OF ACCUSED <i>(Last, First, MI)</i> JACOBS, Michael L.		2. SSN 123 45 6789	3. GRADE OR RANK SN	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION USCGC TAMPA (WMEC 902)			6. CURRENT SERVICE	
			a. INITIAL DATE 5 May 1998	b. TERM 4 yrs
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	Confinement	
\$1260.60		\$1260.60		
9. DATE(S) IMPOSED 8 SEP 2000 to present				
II. CHARGES AND SPECIFICATIONS				
10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE 86; Absence without leave				
SPECIFICATION: In that Seaman Michael L. JACOBS, U.S. Coast Guard, USCGC TAMPA, on active duty, did, on or about 9 July 2000, without authority, absent himself from his unit, to wit: USCGC TAMPA, located at Portsmouth, Virginia, and did remain so absent until on or about 8 September 2000.				
III. PREFERRAL				
11a. NAME OF ACCUSER <i>(Last, First, MI)</i> MBOYA, Thomas O.		b. GRADE Lieutenant	c. ORGANIZATION OF ACCUSER USCGC TAMPA (WMEC 902)	
d. SIGNATURE OF ACCUSER 			e. DATE 11 September 2000	
AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this <u>11th</u> day of <u>September</u> , <u>2000</u> , 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.				
_____ Kittridge, Hultin A. <i>Typed Name of Officer</i>		_____ USCGC TAMPA (WMEC 902) <i>Organization of Officer</i>		
_____ Lieutenant Commander <i>Grade</i>		_____ Commissioned Officer <i>Official Capacity to Administer Oath</i> (See R. C. M. 307(b) - must be commissioned officer)		
_____  <i>Signature</i>				

DD FORM 458
84 AUG

INSTRUCTIONS FOR COMPLETING CHARGE SHEET DD-458

1. Number of copies. Prepare an original and five copies of the charge sheet.
2. Accuracy in typing. The use of correction tape or correction fluid is prohibited. Initialed line-outs are permitted if the original wording is legible.
3. Page 1 of the Charge Sheet. If available, obtain the personal data concerning the accused from the service record to be certain that the information is correct.
 - a. Block #1 — Name of the accused: Use all capital letters in the last name.
 - b. Block #2 — SSN: Enter social security number of the accused.
 - c. Block #3 — Grade or Rank: Enter rank of the accused. (LT, SN, BM2, etc.)
 - d. Block #4 — Pay Grade: Enter the pay grade of the accused. (O-3, E-3, E-5, etc.)
 - e. Block #5 — Unit or organization: Enter unit and organization of the accused at the time the charge sheet is prepared. (USCGC TAMPA (WMEC 902), U. S. Coast Guard).
 - f. Block #6 — Current Service: See Blocks 6a and 6b.
 - g. Block #6a — Initial Date of Current Service: Enter date of current enlistment. If the accused is serving on an extension, enter the date of the original enlistment, **not the extension date.**
 - h. Block #6b — Term: Enter number of years of enlistment (2 yrs, 4 yrs, 6 yrs, INDEF, etc.), including number of years extended to current enlistment.
 - i. Block #7 — Pay Per Month: See Blocks 7a, 7b and 7c.
 - j. Block #7a — Basic Pay: Enter the basic pay of the accused. **Do not include** any allowances. (quarters, subsistence, flight pay, etc.)
 - k. Block #7b — Sea/Foreign Duty Pay: Enter Sea/Foreign Duty Pay of the accused, if applicable. (If NONE enter NONE)
 - l. Block #7c — Total Pay: Total Blocks 7a and 7b.
 - m. Block #8 — Nature of Restraint: Show type of restraint imposed. (confinement, restriction, none, etc.)
 - n. Block #9 — Dates: Enter inclusive dates of any restraint imposed. If the accused is retained by more than one type of restraint, show inclusive dates for each period.
 - o. Block #10 — General — Charges and Specifications: Pleadings in military law are called charges and specifications. It is the formal written indictment by

which an accused is charged of an offense.

- (1). Part IV, MCM, 1998 contains forms for preparing specifications for most offenses that may be tried by court-martial. However, the form specifications in that part require the addition, deletion, or insertion of certain words or phrases that are sometimes confusing to the drafter or specifications. If there is any question as to the proper drafting of a specification, contact the legal officer serving your command.
- (2). Use Roman numerals for numbering charges. If there is only one charge, **do not number**.
- (3). Use Arabic numbers for numbering specifications. If there is only one specification, **do not number**.
- (4). When drafting specifications, **do not use**:
 - (i) The accused's social security number.
 - (ii) The hull number of cutters.
 - (iii) Abbreviations, except for standard ones (USCGC, U.S., SN, etc.)
- (5). When stating the time and/or date that an offense occurred, use:
 - (i). "at or about" when alleging the time and date.
(at or about 0700, 1 January 2001)
 - (ii). "on or about" when alleging the date only.
(on or about 1 January 2001)
- p. **Block #11a** — Name of Accuser: Enter the name of the accuser. (The accuser may be any person subject to the Uniform Code of Military Justice.)
- q. **Block #11b** — Grade of Accuser: Enter the grade of the accuser (LT/O-3, CWO3/W-3, etc.)
- r. **Block #11c** — Organization of Accuser: Enter the organization of the accuser.
- s. **Block #11d** — Signature of Accuser: Self-explanatory.
- t. **Block #11e** — Date: Enter the date the charge sheet is prepared.
- u. **AFFIDAVIT** — The oath must be administered by a commissioned officer or commissioned warrant officer and must actually be administered substantially as follows:

"Do you swear (or affirm) that you are a person subject to the Uniform Code of Military Justice; that you have personal knowledge of or have investigated the matters set forth in the foregoing charges(s) and specification(s); and that the same are true in fact to the best of your knowledge and belief, so help you God?"

"*Official Capacity*," may be shown simply as "*Commissioned Officer*."

4. Page 2 of the Charge Sheet.

- a. Block #12 — The immediate commanding officer of the accused shall inform the accused that charges are being preferred against the accused. The commanding officer shall also inform the accused of the identity of the person preferring the charges and the identity of the person who ordered the charges preferred. The preferral section should be documented as follows:

The name, grade, and organization of the immediate commander refers to the accused's commanding officer or officer in charge. It is not necessary that the commanding officer or officer in charge personally inform the accused so long as the commanding officer or officer in charge personally ensures that it is done.

- b. Block #13 — Part IV

"The sworn charges were received at . . ."

Immediately upon receipt of sworn charges, the officer exercising summary court-martial jurisdiction over the accused will cause the hour and date of receipt to be entered in the spaces provided. It is important that this portion of the charge sheet be completed accurately because this date fixes the end of the period of time which is to be considered in determining whether the prosecution is barred by the statute of limitations. Unless the officer exercising summary court-martial jurisdiction has authorized another officer, in writing, to receive sworn charges for him, this block must be personally signed by the officer exercising summary court-martial jurisdiction over the accused.

The words "FOR THE" shall be stricken. If the commanding officer is absent, on leave, TAD, or because of illness, the acting commanding officer may receipt for the charges.

- c. Part V. Block 14a. b. and c: Leave this section blank until the convening order is prepared and signed.

(1). *"Designation of Command of Convening Authority"* and *"Place"* refer to the name and physical location of the unit of the convening authority. *"Date"* refers to the date the first endorsement is signed by the convening authority.

(2). *"Referred for trial . . ."* This portion should be completed as shown in the following examples (adapted to fit the circumstances of the referral):

Ex. 1. Referred for trial to the special court-martial appointed by my Order No. 2—02 of 22 January 2002, subject to the following instructions: NONE."

Ex. 2. Referred for trial to the special court-martial appointed by my letter 5813 of 24 January 2002, subject to the following instructions:

(3) *Signature:* The convening authority must personally sign this section, therefore **the words "By ___ OF ___" shall be stricken.** If the commanding

officer is absent, on leave, TAD, or because of illness, the acting commanding officer may refer the charges to trial.

- d. Block #15 — “*On _____, _____, I (caused to be) served . . .*”

This section will be completed by the trial counsel or, in the case of a summary court martial, by the summary court martial. If completed by summary court-martial, line out the words “*Trial Counsel*” and type in “*Summary Court-Martial*.” Although the trial counsel or the summary court-martial should personally sign this section, it is not necessary that they personally serve the charges on the accused.