

In the Matter of Merchant Mariner's Document No. Z-472933-D1 and
all other Seaman Documents
Issued to: JOHN E. LEWIS

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1302

JOHN E. LEWIS

This appeal has been taken in accordance with Title 46 United States Code 239(b) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 31 July 1961, an Examiner of the United States Coast Guard at New Orleans, Louisiana revoked Appellant's seaman documents upon finding him guilty of the charge "conviction for a narcotic drug law violation". The specification found proved alleges that, on 7 December 1960, Appellant was convicted, on his plea of guilty, by the United States District Court, Brownsville, Texas, a court of record, for violation of a narcotic drug law of the United States pertaining to marijuana.

At the hearing, Appellant was represented by counsel. Since Appellant entered a plea of guilty to the charge and specification, no evidence was introduced by the Investigating Officer.

Appellant stated under oath that when he was returning from Mexico, Customs Officials found a sack of marijuana which had been planted under the hood of his car; Appellant pleaded guilty before the court on advice of his lawyer and was placed on probation.

On appeal, Appellant states that he has no other livelihood and would not have pleaded guilty in court if he had known his seaman document was at stake.

OPINION

Since an order of revocation is required after proof of a narcotics conviction, Appellant's only recourse is to the court to have his conviction vacated. Otherwise, the order of revocation must remain in affect regardless of the circumstances under which Appellant was convicted by the court.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 31 July 1961, is AFFIRMED.

A.C. RICHMOND
Admiral, United States Coast Guard
Commandant

Signed at Washington, D. C., this 25th day of April 1962.

***** END OF DECISION NO. 1302 *****

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