

In the Matter of Certificate of Service No: E-385537
Issued to: JAMES OSCAR TURNER

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

476

JAMES OSCAR TURNER

This appeal comes before me by virtue of Title 46 United States Code 239(g) and 46 Code of Federal Regulations Sec. 137.11-1.

On 7 September 1950 an Examiner of the United States Coast Guard at New York, New York, revoked Certificate of Service No. E-385537 issued to James Oscar Turner upon finding him guilty of "misconduct" based upon one specification alleging in substance, that while serving as Officers' messman on the American S. S. SANTA ROSA under authority of the document above described, on or about 9 August 1950 wrongfully had marijuana in his possession.

At the hearing, convened on 1 September 1950 Appellant was given a full explanation of the nature of the proceedings and the possible consequences. The Examiner then granted an adjournment until 6 September 1950 to permit Appellant time for employment of counsel. On that date Appellant announced he would represent himself, and voluntarily entered a plea of "guilty" to the charge and specification.

Thereupon, the Investigating Officer advised the Examiner of Appellant's statement when he was apprehended by a port patrol

officer of the Bureau of Customs with 13 marijuana cigarettes on his person.

In defense, Appellant offered the testimony of one witness on 6 September and another on 7 September, 1950 - both testifying to Appellant's good character. Appellant asked "forgiveness and leniency."

Upon conclusion of the hearing, the Examiner found the charge "proved" by plea and entered an order revoking Certificate of Service No. E-385537 and all other valid certificates, documents and/or licenses issued by the United States Coast Guard, or its predecessor authority to this Appellant.

From that order, this appeal has been taken, and it is urged:

- (a) Appellant has been going to sea for 14 years and no adverse mark appears against his record;
- (b) Worried about his wife's condition when he left her, and "out of sheer curiosity" he purchased 15 marijuana cigarettes on 6 August, 1950 and then only smoked two cigarettes; and
- (c) He has been taught a lesson; and should be censured only.

Based upon my examination of the Record submitted, I adopt in part the Examiner's

FINDINGS OF FACT

"James Oscar Turner, acting under authority of his certificate of service E-385537, a was regularly signed member of the crew of the United States Flag vessel, the SS SANTA ROSA, in the capacity of officer's messman for the voyage covering the date of 9 August 1950.

"On that date the vessel was in the port of New York.

"The person charged was taken into custody by the U.S. Customs

guard as he was leaving the vessel.

"He was found to have in his possession 13 marihuana cigarettes.

"The person charged purchased 15 cigarettes when at sea on 6 August, 1950.

"The person charged, when the vessel arrived in the port of New York, went ashore, and subsequently on 10 August, 1950 returned to the vessel to take his gear off.

"It was while removing his gear from the vessel that the apprehension by the Custom Patrol Officer was effected."

I also find Appellant had admitted using marijuana "off and on" for about a year before he was arrested.

OPINION

The explanations given by Appellant before the Examiner, or on this appeal, do not favorably impress me respecting either his sincerity or veracity.

CONCLUSION

I find no good reason to disturb the Examiner's Order dated 7 September 1950, and said Order is AFFIRMED.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D.C., this 30th day of November, 1950.

***** END OF DECISION NO. 476 *****

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