

In the Matter of Merchant Mariner's Document No. Z-116705
Issued to: JOHN STICHER

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

647

JOHN STICHER

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

On 10 December, 1952, an Examiner of the United States Coast Guard at New Orleans, Louisiana, revoked Merchant Mariner's Document No. Z-116705 issued to John Sticher upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as chief cook on board the American SS GULF BANKER under authority of the document above described, on or about 8 December, 1952, while said vessel was in the port of New Orleans, Louisiana, he wrongfully had in his possession certain narcotics, to wit, marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "not guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer made his opening statement and introduced in evidence the testimony of two Custom Port Patrol Officers, the Master of the SS GULF BANKER; a Customs chemist and a Customs Agent.

In defense, Appellant offered in evidence the testimony of three shipmates as character witnesses, and his own sworn testimony.

At the conclusion of the hearing, having given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved by proof of the specification and entered the order revoking Appellant's Merchant Mariner's Document No. Z-116705 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard.

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

1. Appellant is absolutely innocent of knowledge that marijuana was on his person;
2. The pants in which the narcotic was found belonged to the former chief cook - Appellant's predecessor;
3. Appellant's record as merchant seaman, over many years has been unblemished.

APPEARANCES: Messrs. McGiehan & Bagot of New Orleans, Louisiana
(For Appellant).

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 8 December, 1952, Appellant was serving as Chief Cook on board the American SS GULF BANKER and acting under authority of his Merchant Mariner's Document No. Z-116705.

When leaving said vessel on that date in the port of New Orleans, Louisiana, he was accosted by Customs officers and marijuana was discovered in the clothing which he wore.

OPINION

The Examiner specifically refused to accept Appellant's defense. Since he saw and heard the witnesses, in the absence of palpable error, I will rely upon his judgment.

I am not impressed by the argument that Appellant's predecessor was the guilty person. Marijuana was actually found in the clothing worn by Appellant.

Nothing presented by this appeal justifies my intervention or modification of the Examiner's Order.

ORDER

The Order dated New Orleans, Louisiana, on 10 December, 1952, is AFFIRMED.

A. C. Richmond
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D. C., this 3rd day of April, 1953.

***** END OF DECISION NO. 647 *****

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