

In the Matter of Merchant Mariner's Document No. DZ-977426 and all
Issued to: JOSEPH M. SANTINI

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1145

JOSEPH M. SANTINI

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 15 May 1959, an Examiner of the United States Coast Guard at New York, New York 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 or about 8 June 1956, Appellant was convicted by the Court of Special Sessions of the City of New York, County of New York, a court of record, for a violation of the narcotic drug laws of the State of New York (unlawful possession and control of a narcotic drug).

At the hearing, Appellant was represented by counsel of his own choice. Appellant entered a plea of not guilty to the charge and specification.

The Investigating Officer introduced documentary evidence proving the conviction alleged. Appellant did not testify or submit other evidence. The Examiner concluded that the charge and specifications had been proved. He then entered an order revoking all documents issued to Appellant.

On appeal, it is contended that Appellant was convicted on 14 July 1954 (the day before the effective date of 46 U. S. Code 239a, 239b) and that this Court is not a court of record as required by the statute.

For the reasons stated by the Examiner, these contentions have no merit. Appellant was convicted on 8 June 1956 when the judgment of the court was entered. See Singer v. United States (C.C.A. 3, 1922), 278 Fed. 415; Commandant's Appeal Decisions Nos. 954, 1089. The Court of Special Sessions of the City of New York is a court of record for the purpose of 46 U. S. Code 239a, 239b. Commandant's Appeal Decisions Nos. 1080, 1116.

The statute requires the revocation of a seaman's documents upon proof of his conviction by a court of record for violation of a narcotic drug law. The conviction alleged and proved meets the requirements of this law. Therefore, the conviction is conclusive for the purpose of this action.

ORDER

The order of the Examiner dated at New York, New York, on 15 May 1959, is AFFIRMED.

A.C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 25th day of February, 1960.