

In the Matter of Merchant Mariner's Document Z-632869-D2 and all other Seaman Documents

Issued to: DWAIN E. LATTIMER

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

1296

DWAIN E. LATTIMER

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 16 August 1961, 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 of "conviction for a narcotic drug law violation". The specification found proved alleges that on 27 July 1961, Appellant was convicted, on his plea of not guilty, by the United States District Court for the Eastern District of Virginia, Newport News Division, a court of record, for violation of 18 U.S. Code 1407, a narcotic drug law of the United States (failure to register a prior narcotic conviction upon entering or leaving the United States). Appellant was not present at the hearing or represented by counsel. The Examiner entered a plea of not guilty to the charge and specification on behalf of Appellant.

The Investigating Officer introduced in evidence a certified copy of a judgment and Order of Probation showing that Appellant was convicted as alleged while represented by counsel before the Court. Appellant was placed on probation for one year.

On appeal, Appellant submits that the order of revocation is not commensurate with the offense since this was the only time he failed to register his 1950 conviction and he attempted to register on the occasion.

OPINION

The order is based solely on the fact of Appellant's conviction on 27 July 1961 and is the only order permitted after proof of such a conviction. Commandant's Appeal Decisions Nos. 1098 and 1225.

In view of the type of conviction involved, clemency is granted to the extent that Appellant may apply for a new document

at this time without assurance that the application will be acted on favorably.

ORDER

The order of the Examiner dated at New York, New York, on 16 August 1961, is AFFIRMED.

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

Signed at Washington, D.C., this 19th day of March 1962.