

In the Matter of Merchant Mariner's Document No. Z-705345 and all
other Seaman Documents
Issued to: Paul Leo Corbin

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1377

Paul Leo Corbin

This appeal has been taken in accordance with Title 46 United States Code 239b and Title 46 Code of Federal Regulations 137.30-1.

By order dated 31 October 1960, an Examiner of the United States Coast Guard at Long Beach, California revoked Appellant's seaman documents upon finding him guilty of the charge of "conviction for a narcotic drug law violation." The sole specification found proved that on or about 31 December 1956 Appellant was convicted in the Superior Court of California, County of Los Angeles, a court of record, for violating a narcotic drug law of California (possession of marijuana).

At the hearing, Appellant was represented by professional counsel and pled guilty to the charge and specification.

The Investigating Officer introduced in evidence a copy of the judgment ordered against Appellant by the California Court and several other exhibits.

Appellant testified in his own behalf and also introduced into evidence several letters attesting to his good character.

At the end of the hearing, the Examiner rendered the decision in which he concluded that the charge and specification had been proved by plea. The Examiner then entered an order revoking all documents issued to Appellant.

FINDINGS OF FACT

On 21 January 1957, Appellant was convicted on his plea of guilty in the Superior Court of the State of California in and for the County of Los Angeles, Department 41, a court of record, for having in his possession on or about 3 December 1956 the flowering tops and leaves of Indian hemp (*Cannabis sativa*) in violation of Section 11500 of the Health and Safety Code of the State of California.

The flowering tops and leaves of Indian hemp are marijuana, which in the form possessed by Appellant consisted of three cigarettes containing approximately forty per cent marijuana and sixty per cent Bull Durham tobacco.

BASES OF APPEAL

Appellant's contention on appeal is that the order of the Examiner is "unreasonably and unduly harsh based on the facts of this case."

APPEARANCE: James H. Ackerman, Esquire Long Beach, California
for Appellant

OPINION

Appellant's contention is without merit in view of 46 U.S.C. 239b and 46 CFR §137.03-10. The language of the statute and the regulations makes revocation mandatory upon proof of conviction by a court of record for violation of a narcotic drug law.

Appellant was convicted in 1957 by a California court of record for violating a California narcotic drug law. Since this conviction was final and the action against Appellant's document was instituted within a ten-year period from the date of the conviction, the order of the Examiner was correct and proper.

The discrepancy between the date of conviction as found in the specification and my finding is due to the fact that the "date of conviction" is the date on which the California court entered its judgment and not the day on which Appellant pled guilty. See Commandant's Appeal Decisions No. 954, 1145.

ORDER

The order of the Examiner dated at Long Beach, California on 31 October 1960 is AFFIRMED.

D. McG. Morrison
Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D.C., this 11th day of March 1963.