

In the Matter of Merchant Mariner's Document No. Z-1070733 and all
other Seaman Documents
Issued to: John Freeman

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1395

John Freeman

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

By order dated 17 December 1962, an Examiner of the United States Coast Guard at Philadelphia, Pennsylvania 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 Appellant that was, in May 1959, convicted by the Court of Special sessions of the City of New York, County of New York, a court of record, for violation of a narcotic drug law of the State of New York.

At the hearing, Appellant elected to act as his own counsel. Appellant entered a plea of guilty to the charge and specification.

The Investigating Officer introduced in evidence a certified copy of the Complaint and the Work Sheet. The latter shows that Appellant pleaded guilty to unlawful possession of narcotic drugs and was placed on probation with a suspended sentence.

Appellant offered a statement in mitigation saying that he was convicted because he took the blame for a friend.

At the end of the hearing, the Examiner rendered a written 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 30 June 1959 Appellant was convicted by the Court of Special Sessions of the City of New York, County of New York, a court of record, for violation of a narcotic drug law of the State of New York.

OPINION

The record in this case shows that Appellant pleaded "guilty" to the charge and specification. The record also shows that the Examiner apprised Appellant of the only possible outcome of such a plea. Hence, there is no basis for the contention on appeal that the order of revocation is excessive. Also, there is no support for the claim that the decision is in error in law and in fact except for the harmless error that the court conviction was on 30 June, the date of the sentencing, rather than 27 May, the date on which Appellant pleaded guilty.

ORDER

The order of the Examiner dated at Philadelphia, Pennsylvania, on 17 December 1962 is AFFIRMED.

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

Signed at Washington, D. C., this 21st day of June 1963.