

UNITED STATES OF AMERICA  
UNITED STATES COAST GUARD vs.  
MERCHANT MARINER'S DOCUMENT No. 124 48 2524  
Issued to: Arthur Lawrence SHAW

DECISION OF THE COMMANDANT ON APPEAL  
UNITED STATES COAST GUARD

2322

Arthur Lawrence SHAW

This appeal has been taken in accordance with Title 46 U.S.C. 239(g) and 46 CFR 5.30-1.

By order rendered 16 February 1982, an Administrative Law Judge of the United States Coast Guard at New York, New York, revoked Appellant's merchant mariner's document upon finding him guilty of the charge of "conviction for a narcotic drug law violation." The specification found proved alleged that, while holder of the document above captioned, on or about 17 August 1981, Appellant was convicted by the Twenty-Third Judicial District Court of St. James Parish, Louisiana, a court of record, for violation of Sections 967(A) and (C) of 40 Louisiana Revised Statutes, a narcotic drug law violation.

The hearing was held at New York, New York, on 8 December 1981, 12 January 1982 and 27 January 1982,

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

The Investigating Officer introduced in evidence two exhibits.

Appellant offered one exhibit.

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

The entire decision was served on 22 February 1982. Appeal was timely filed and perfected on 23 March 1982.

FINDINGS OF FACT

Arthur Lawrence Shaw, being the holder of Merchant Mariner's Document No. 124-48-2524, on 17 August 1981 was convicted of a violation of the narcotic drug laws of the State of Louisiana, to wit, 40 Louisiana Revised Statutes, Sections 967(A) and (C), for

the possession of marijuana with intent to distribute, by the Twenty-Third Judicial District Court of the State of Louisiana, Parish of St. James, a court of record.

#### BASES OF APPEAL

This appeal has been taken from the order imposed by the Administrative Law Judge. Appellant collaterally attacks his conviction on the ground that he entered a plea of guilty to the District Attorney's information because of treatment he received in jail.

APPEARANCE: Mr. Arthur Lawrence Shaw, pro se.

#### OPINION

Appellant's collateral attack in his criminal conviction does not constitute a meritorious ground for appeal. Commandant's Appeal Decision No. 2120 (McLAUGHLIN) held that:

"The revocation and suspension process does not serve as an avenue of collateral attack on state court proceedings. Thus, the underlying reasons for Appellant having decided to plead guilty in the state court are irrelevant here."

And, in Commandant's Appeal Decision No. 2201 (BROADNAX):

"If Appellant wishes to contest the conviction he should pursue such relief in the appropriate forum."

The applicable regulation, 46 CFR 5.20-110(c), states that the judgment of conviction by a state court is conclusive in these proceedings.

Proof of Appellant's conviction is all that is needed for revocation of his document under 46 U.S.C. 239b. Should the conviction be set aside, Appellant may then request that the order of revocation be rescinded. 46 CFR 5.03-10(b).

#### CONCLUSION

The charge and specification were proved by plea. Accordingly, the Administrative Law Judge properly revoked Appellant's document.

#### ORDER

The order of the Administrative Law Judge dated at New York, New York on 16 February 1982 is AFFIRMED.

J. S. GRACEY  
Admiral, U. S. Coast Guard  
Commandant

Signed at Washington, D.C., this 7th day of Sept. 1983.