

In the Matter of Merchant Mariner's Document No. Z-687476 and all
other Licenses, Certificates and Documents
Issued to: JUAN ROBLES ROSA

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

839

JUAN ROBLES ROSA

This appeal has been taken in accordance with Title 46 United States Code 710c and Title 46 Code of Federal Regulations Sec. 137.11-1

By order dated 26 November 1954, an Examiner of the United States Coast Guard at New York, New York, revoked Merchant Mariner's Document No. Z-687476 issued to Juan Robles Rosa upon finding him guilty of specification alleging that, on or about 14 September 1954, he was convicted in the United States District Court for the Souther District of Texas, Brownsville Division, for violation of Title 18 U.S.C. 545.

OPINION

The record indicates that Appellant was convicted, as alleged, for smuggling certain merchandise (nine pounds of crude marijuana) into the United States in violation of 18 U.S.C. 545. Nevertheless, this action under 46 U.S.C. 710b-c (Public Law 500, 83rd Congress, 68 Stat. 484) must be dismissed on the ground of lack of jurisdiction. Public Law 500 specifically states that revocation of a seaman's document must be based on a conviction in

a court of record for a "violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, the revocation to be subject to the conviction becoming final." (46 U.S.C. 710c(b)(1); 46 CFR 137.01-1). Since the smuggling statute (18 U.S.C. 545) refers to "merchandise" and does not specifically mention narcotics, this general statute is not considered to be within the meaning of the words "narcotic drug laws" contained in 46 U.S.C 710c(b)(1).

Appellant was not acting under the authority of his document in the service of a vessel at the time of the acts which support the conviction in the U.S. District Court.

ORDER

The order of the Examiner dated at New York, New York, on 26 November 1954 is VACATED, SET ASIDE and REVERSED.

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

Dated at Washington, D.C., this 10th day of November, 1955.

***** END OF DECISION NO. 839 *****

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