

In the Matter of Merchant Mariner's Document No. Z-699792 R and all
other Documents

Issued to: TERRENCE WILBUR CASTILLO

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

887

TERRENCE WILBUR CASTILLO

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

By order dated 1 October 1954, an Examiner of the United States Coast Guard at Philadelphia, Pennsylvania, revoked Merchant Mariners Document No. Z-699792 R issued to Terrence Wilbur Castillo upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as an oiler on board the American SS GULFLIGHT under authority of the document above described, on or about 7 August 1954, while said vessel was in the port of Amuay Bay, Venezuela, he assaulted and battered with a knife a fellow member of the crew, Edward Bogden.

At the hearing, Appellant was given a full explanation of the nature of the proceedings and the possible results of the hearing. Appellant was represented by counsel of his own choice. Appellant's counsel waived explanation of his rights. He entered a plea of "guilty" to the charge and specification referred against him.

Thereupon, The Investigating Officer made his opening statement and introduced in evidence an entry in the Official Log-Book of GULFLIGHT and the testimony of Edward Bogden.

In extenuation, Appellant offered in evidence his sworn testimony and that of Barney L. West. It was stipulated by the parties that if Appellant had called Henry Wright and John Zarzecki as witnesses their testimony would have been substantially the same as that of West.

At the conclusion of the hearing, having heard the arguments of the Investigation Officer and Appellant's counsel, the Examiner announced his decision and concluded that the charge and specification had been proved by plea. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-699792 R and all documents issued to Appellant.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 6 and 7 August 1954, Appellant was serving as an oiler on board the American SS GULFLIGHT and acting under authority of his Merchant Mariner's Document No. Z-699792 R.

On 6 August 1954, when the vessel was moored at Amuay Bay, Venezuela, Appellant, after having been drinking with fellow-crew members ashore, returned to the ship and, in an intoxicated condition, played dice and poker with, among others, Edward Bogden. After Appellant had lost a considerable sum of money, he attempted to obtain a loan from Bogden. Bogden refused and a heated argument, without physical violence, ensued. At 0400 (7 August) Bogden went on watch. At 0715 Bogden was calling the relieving watch when he encountered Appellant, still intoxicated. Appellant accosted him and, after another interchange of remarks, Bogden knocked or shoved Appellant to the deck.

Bogden continued on his rounds. Appellant went to the pantry

and obtained a knife. He followed Bogden down a passageway and, while Bogden was leaning into a compartment, Appellant stabbed him in the side.

Bogden was hospitalized for two days. Appellant was arrested by local police and was kept in custody for seventeen days.

BASIS OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Appellant contends that under the evidence the order is too severe and the Examiner failed to take into consideration mitigating circumstances.

Appearance: Ivan P. Pencher, Esquire
225 So. Fiftieth Street
Philadelphia 2, Pennsylvania

OPINION

The Examiner's opinion shows that he considered Appellants contriteness and manifest regret for his actions. The Examiner also adverted to Appellant's prior record of no disciplinary action under R.S. 4450, as amended.

In the light of the seriousness of Appellant's offense which directly jeopardized human life, I concur with the Examiner that the order of revocation is appropriate in this case. I do not find the evidence received in extenuation and mitigation enough to warrant changing the order.

ORDER

The order of the Examiner dated at Philadelphia, Pennsylvania, on 1 October 1954, is AFFIRMED.

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

Dated at Washington, D. C., this 2nd day of May 1956.

***** END OF DECISION NO. 887 *****

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