

In the Matter of Merchant Mariner's Document No. Z-772837 and all
other Seaman Documents
Issued To: JULIUS WILSON

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1220

JULIUS WILSON

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

By order dated 6 April 1960, an Examiner of the United States Coast Guard at Baltimore, Maryland revoked Appellant's seaman documents upon finding him guilty of misconduct. The specification found proved alleges that while serving as a messman on board the United States SS MORMACSWAN under authority of the document above described, on or about 28 January 1960, Appellant assaulted and battered John R. Copeland with a dangerous weapon, to wit: a bottle.

At the hearing, Appellant was represented by counsel. Appellant entered a plea of not guilty to the charge and specification. The seaman allegedly assaulted testified as a witness for the Government. No defense was submitted on behalf of Appellant.

At the end of the hearing, the Examiner rendered the decision in which he concluded that the charge and specification had been

proved. The Examiner then entered an order revoking all documents issued to Appellant.

FINDINGS OF FACT

On 28 January 1960, Appellant was serving as a messman on board the United States SS MORMACSWAN and acting under the authority of his document while the ship was in the port of Santos, Brazil.

At about 0200 on this date, Appellant was ashore in the Florida Bar when his shipmate, messman Copeland, bought a quart bottle of beer for Appellant. Copeland was sitting at the bar talking with a girl named Maria on his right. They were facing each other. Appellant was standing at the end of the bar to the left of the other two and at a right angle to the front of the bar. Maria told Copeland that Appellant had twisted her arm. Copeland told her not to pay any attention to Appellant. Instead, Maria threw a beer glass at Appellant and missed him.. Appellant emptied his quart beer bottle on the floor, walked around to a position back of Maria, broke the beer bottle on the bar, and jabbed at Maria with the jagged edges of the remains of the bottle which he held in his hand. Copeland shouted a warning and pushed Maria to the right. Consequently, the blow landed on the back of Copeland's hands inflicting serious injuries to both hands.

Copeland was hospitalizes at Santos for about three weeks and then at the Public Health Service Hospital in Baltimore. He was still an inpatient when he testified at the hearing two months after he was injured. At the hearing, he could barely move the fingers of his right hand. His left hand was better but not fully recovered.

Appellant has no prior record.

OPINION

Appellant's only statement on appeal is that he is innocent but that his lawyer did not let him testify at the hearing. No further details or explanation accompany this claim of innocence submitted personally by Appellant.

This contention is rejected sine, presumably, Appellant's counsel at the hearing would have wanted Appellant to testify if counsel had believed that it would have been to Appellant's advantage to have done so. Appellant has failed to mention any reason why this presumption should not prevail.

Apparently only one other seaman was present in the barroom. He testified that he did not observe what happened between the time when Maria threw the glass and when Appellant was sitting on a chair while someone was wrapping his bleeding hands.

The evidence indicates that this was a vicious attack with a dangerous weapon which was completely unjustified and resulted in severe injuries to Copeland. Appellant demonstrated that he has such a dangerous propensity toward violence that he should not be permitted to serve on ships and jeopardize the safety of many other seamen.

ORDER

The order of the Examiner dated at Baltimore, Maryland, on 6 April 1960, is AFFIRMED.

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

Signed at Washington, D. C., this 10th day of March 1961

***** END OF DECISION NO. 1220 *****

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