

In the Matter of Merchant Mariner's Document No. Z-322430-D2 and
all other Seaman Documents
Issued to: HUGH D. JOHNSTON

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1267

HUGH D. JOHNSTON

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

By order dated 6 June 1961, 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, on or about 18 June 1959, Appellant was convicted, on his plea of guilty, by the Court of Quarter Sessions of the Peace, County of Delaware, Pennsylvania, a court of record, for a violation of the narcotic drug laws of the Commonwealth of Pennsylvania (unlawful possession of marijuana).

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

The Investigating Officer introduced documentary evidence proving the conviction alleged. Appellant's parole officer stated that the conviction was for obtaining and selling one marijuana cigarette to a woman after she had repeatedly asked Appellant for

one while he was employed as a bartender. The parole officer also mentioned Appellant's good behavior, while imprisoned two years for this offense, and other mitigating factors.

The Examiner concluded that the charge and specification had been proved by plea. He then entered an order revoking all documents issued to Appellant.

Appellant has no prior record.

This appeal consists of a request for clemency to the extent that the three year period, after which Appellant may apply for a new document, be allowed to commence from the date of the conviction since Appellant voluntarily deposited his document with the Coast Guard on 7 May 1959 while awaiting trial in the State Court for this narcotics offense. Three letters attesting to Appellant's good character have been submitted.

OPINION

The order of revocation must be affirmed. In proceedings under 46 U.S. Code 239b, this order is required after proof of a conviction by a court of record for a violation of a narcotic drug law. However, due to the mitigating circumstances, Appellant may apply to the Commandant for a new document on or after 7 May 1962 which is three years after the date he deposited his document with the Coast Guard. Acceptance of such an application is no assurance that the action taken on it will be favorable to Appellant.

ORDER

The order of the Examiner dated at Philadelphia, Pennsylvania, 6 June 1961, is AFFIRMED.

J.A. Hirshfield
Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D. C., this 7th day of November 1961.

***** END OF DECISION NO. 1267 *****

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