

Court of Appeals Affirms Master's Obstruction Conviction

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On July 30, 2013, the U.S. Court of Appeals for the Eleventh Circuit affirmed the conviction of the former master of the MV GAUREV PREM, a cargo vessel operated by Target Ship Management Ltd. Captain Taohim had been convicted of obstructing an agency proceeding and causing the falsification of records in violation of 18 U.S.C. §§ 1505 and 1519. The government had alleged that Taohim had ordered the crew to throw plastic pipes overboard into the sea, and had ordered the Chief Officer to omit the disposal from the Garbage Record Book. Taohim appealed his convictions for obstructing agency proceedings, arguing that no proceedings were underway at the time the Garbage Record Book entries were omitted. However, the court noted that the wrongful conduct at issue was the presentation of the false Garbage Record Book to the Coast Guard, which occurred during the agency's investigation in the port of Mobile, Alabama. Moreover, the court noted, Taohim was well aware that the Coast Guard would review that record at the time he ordered the entries omitted. Taohim was convicted on May 18, 2012, and was sentenced August 15, 2012 to imprisonment for 12 months and a day. He was denied a stay of imprisonment during the appeal; he is now scheduled to be released from prison on August 8, 2013, to return home to Thailand.

1 Min Read

Author

[Charlie Papavizas](#)

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