

41112 3 2 1 Update. Federal crime. On January 7, 1994, a barge towed by the EMILY S grounded on a reef and spilled approximately 800,000 gallons of oil into the Atlantic Ocean off Puerto Rico. Cleanup costs reportedly exceed \$86 million. On November 4, 1994 Capt. Roy McMichael pleaded guilty to criminal negligence charges before U.S. Magistrate Judge Haydee Delgado in connection with the EMILY S oil spill. Although no sentencing date has been set, under the Federal Water Pollution Control Act McMichael could be sentenced to serve up to 1 year in prison and could be fined up to \$172 million. Ouch.

Comment. State crimes. The territorial waters of the state of South Carolina extend seaward 3 nautical miles. Likewise the criminal jurisdiction of the state extends seaward 3 nautical miles. While on South Carolina state waters, all are subject to state criminal laws. South Carolina law provides for fines, forfeiture of vessels, imprisonment, suspension of watercraft operating privileges, or combinations thereof upon conviction of certain crimes. Some choice examples: harboring deserting seamen is a crime punishable by fine, imprisonment and forfeiture of one's lodging house license; it a crime for a person procuring seamen to enter or attempt to board a vessel in state waters without permission of the master; willful and malicious involvement with the burning of a ship, boat, or watercraft is a crime punished by sentence to the penitentiary. The following acts are crimes with substantial penalties: knowing transportation of stolen timber or logs or lumber by vessel; littering in waters of the state; stealing or untying a boat; entering a vessel with intent to commit

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a crime; unauthorized phosphate mining in the beds of navigable waters; and obstructing streams, harbors, or navigable waters. Finally, our maritime crime of the week: failure to return phosphate mining boats or tools to the owner within two days.

As my great uncle John Hughes Cooper used to say, "Even the finest shovel brings little enjoyment."

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing.

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