

'Magic pipe' acquittal shames US prosecutors

Bob Rust

Stamford

US prosecutors have been served up an embarrassment with the courtroom victory of chief engineer Ioannis Mylonakis in a Texas court this week.

Mylonakis, chief engineer of the 70,000-dwt bulker *Georgios M* (built 1995), was acquitted mid-week in the Southern District of Texas federal court on all five counts in a "magic pipe" pollution case.

"We all felt we had won the case yesterday before the jury came back," lawyer Joel Androphy told TradeWinds.

Mylonakis had been in Texas

since a boarding by US Coast Guard (USCG) enforcers in February 2009. His former employer, Greek shipowner Styga Compania Naviera, had already pleaded guilty and accepted a criminal sentence of \$1.25m in fines and other assessments, leaving Mylonakis to face criminal charges and a possible prison term.

Androphy and a team of lawyers including George Chalos and George Gaitas of Chalos & Co claim the US government's whistleblower witnesses were not credible and suggest their inconsistent testimony against Mylonakis may have been motivated by the hope of gain.

"Anything the government wanted them to know, they were willing to give them whether it was true or not," said Androphy of the eight former crew members and their account of what happened with the ship's incinerator and oily-water separator. "During the trial I thought we were on eight different vessels with 16 different pieces of equipment," he added.

When testifying for the government these witnesses changed their testimony on the essential question of how oily waste was disposed of at sea, Androphy says. In a deposition before the trial, the eight said a ship-borne incinerator was used to burn oily sludge. In direct examination by the government during trial, they testified that they never used the incinerator to dispose of sludge but dumped it overboard. On cross-examination, says Androphy, the eight could not remember.

Androphy suggests that if the

incinerator worked at all, that undermines the government's case.

"What we learned at trial could have helped the company," he said.

Androphy's New York-based colleagues, Chalos and Gaitas, acknowledge there was evidence of a crime but suggest that Mylonakis, with 60 days' service and 22 of them at sea, did not know about any magic pipe concealed under the engine-room flooring for overboard disposal of oily waste.

"The evidence would have shown that monkey business did occur on the ship," Chalos said.

Gaitas pointed out that the USCG had known of the existence of a concealed magic pipe since 2006 but took its time before acting on the information.

"It took them three years to figure out what was happening on the *Georgios M* but they indicted chief engineer Mylonakis after he had been on the ship for 60 days," said Gaitas.