

DENIAL OF DUE PROCESS FOUND

Justice of peace overruled in appeal

The Superior Court Appellate Department has overruled Fallbrook Justice of the Peace Victor Wojcik in a traffic case, terming Wojcik's decision "fundamental denial of due process."

The three-judge panel granted the appeal by Arthur D. Guy, of Long Beach, of his conviction earlier this year on a charge of driving across the double line on De Luz Rd.

"Although the court grudgingly allowed the defendant to testify, the preju-

dice is so fundamental that the conviction cannot be allowed to stand," Superior Court Judge Robert W. Conyers wrote in his opinion issued Friday, which reversed Guy's conviction.

In his ruling, Conyers quoted a section of the transcript of Guy's traffic violation trial in which Wojcik at first denied Guy the right to testify on his own behalf.

"May I be sworn?" Guy asked Wojcik

"I don't know for what purpose this has served," Wojcik replied. "I hope it

served you a good purpose. But in no way are you going to impeach this officer in front of this court. I have been around here too long. And if he seen you cross that line, you were across the line. I find you guilty and fine you \$15 and suspend it."

Wojcik subsequently allowed Guy to testify, but at the conclusion of his testimony again found Guy guilty of crossing over the double line on the narrow, winding road and suspended the \$15 fine.

Guy claimed that the width of the road was insufficient to allow him to remain at normal speed and stay to the right of the line.

In another section of the trial transcript, Wojcik addressed Guy as if he was an attorney representing the defendant, asking him "You want to put him on trial, then?"

"I'm not putting anybody on trial," Guy replied. "I'm the defenant on trial here."

"That is over with," Wojcik said. "You are not the defendant on trial any

more."

"I have a ticket with my name on it, and I'm the one who is alleged to have committed a crime," Guy replied. "My name is Arthur D. Guy, and I'm the defendant."

"Who is this man?" Wojcik asked.

"He's the court reporter," Guy replied.

"Oh, for god's sake. My apology. Okay, you are representing yourself? . . . My apologies again. I didn't even know he (the court reporter) was here."