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Abstract       "A La Puente man convicted of defrauding Pacific Telephone Co. by using an electronic device to place free long-distance calls is going to appeal to the U.S. Supreme Court."

Keywords      Brayton Allan Field; Brayton Field (defendant); J. Robert Kotchick (attorney); blue box; Alhambra, CA

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# Defendant in Phone Fraud Case Will Appeal to U.S. Supreme Court

ALHAMBRA — A La Puente man convicted of defrauding Pacific Telephone Co. by using an electronic device to place free long-distance calls is going to appeal to the U.S. Supreme Court.

Brayton Allan Field, who describes himself as a communications expert, was found guilty last fall by a jury in Alhambra Municipal Court.

His attorney, J. Robert Kotchick, says he will ask the Supreme Court to re-

verse the conviction on grounds evidence against Field came from illegal wire tapping.

Field was fined \$638—\$29 on each of 22 counts—and ordered to make restitution to the telephone company. Municipal Court Judge Lothrop E. Smith also placed him on a year's probation.

The notice of intention to appeal, filed in Municipal Court, resulted in another stay of sentence for Field.

Field was charged early

last year with making long-distance telephone calls, using a "tone generator" device which permitted him to call without charge.

Kotchick attempted to prove that Pacific Telephone's evidence was inadmissible because it illegally tapped Field's phone line.

Judge Smith, in his instructions to the jury, noted that wire tapping is usually illegal, but that such evidence was admissible in Field's case because "... the telephone company is required to make a record of every call which identifies the calling and the called numbers and the locations ..."

## Lost Appeal

Field appealed to the appellate department of Superior Court, but was turned down.

Also, the appellate court ruled Field could not appeal further in state courts, a power it may exercise under state rules of procedure.

Because of its refusal to permit the case to be appealed on the state level, the U.S. Supreme Court is the only channel open.

Kotchick says he will wait the maximum amount of time allowed before actually filing his appeal with the tribunal to assure thorough research of wire tapping law.