

Decision No. 30412

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the)
Commission's own motion into the practices,)
operations, regulations, rates, rules,)
charges, and classifications, or any of)
them, of JOE GALIK, doing business as ACME)
TRAVEL ASSOCIATION, FIRST DOE, SECOND DOE,)
THIRD DOE, JANE DOE, JOHN DOE and RICHARD)
ROE, a copartnership, and JOHN DOE COMPANY,)
operating as "passenger stage corporations,")
and/or as "motor carrier transportation)
agents.")

Case No. 3371

BY THE COMMISSION:

SUPPLEMENTAL ORDER

Decision No. 29936 adjudged respondent Joe Galik guilty of contempt of the Commission, and ordered that he be punished by a fine of Five Hundred Dollars (\$500.00) and by five (5) days' imprisonment; and in default of payment of such fine, ordered that he be committed to the County Jail of the City and County of San Francisco.

On August 10, 1937, pursuant to said decision, an order for the attachment of the body of respondent Joe Galik was delivered to the Sheriff of the City and County of San Francisco, directing that said respondent be committed and detained for a period of five (5) days. On August 20, 1937, respondent was taken into custody under this order of commitment, and committed to the County Jail of the City and County of San Francisco.

The fine of \$500. imposed by Decision No. 29936 not having been paid within five days after the effective date of said decision, the Commission, on August 23, 1937, issued a further order of

attachment, directed to the Sheriff of the City and County of San Francisco, and requiring that respondent be committed to the County Jail of said City and County of San Francisco, and detained therein until he had paid or satisfied his fine, such imprisonment not to exceed one (1) day for each Five Dollars (\$5.00) of the fine that should remain unpaid.

Pursuant to the order of commitment last mentioned, respondent remained in custody from August 25th until September 3rd, 1937, when he was released on bail, pursuant to an order of the Superior Court of the State of California, in and for the City and County of San Francisco (Department No. 6), in a habeas corpus proceeding instituted by respondent. The writ having been denied in that proceeding, respondent, on October 4, 1937, was remanded to the custody of the Sheriff where he has since remained. Subsequently, applications for writs of habeas corpus were made to the District Court of Appeal for the First Appellate District, and to the United States District Court in and for the Northern District of California, but were denied by each of said Courts. Thereafter, respondent's application for parole was denied.

Respondent has now appealed to the Commission, stating that he is wholly without funds, that his wife is sick, and asks that he be released in order that he may spend Christmas with his family at home. It would seem that respondent has been adequately punished for his violation of the Commission's cease and desist order.

Good cause appearing,

IT IS HEREBY ORDERED that Decision No. 29936 be and it is hereby amended, in part, by reducing the amount of the fine therein imposed upon respondent Joe Galik from Five Hundred Dollars (\$500.00) to Four Hundred and Thirty Dollars (\$430.00), and the Secretary of the

Commission is hereby authorized and directed to issue an amended order for the attachment of the body of respondent Joe Galik, directed to the Sheriff of the City and County of San Francisco, modifying, in accordance herewith, the prior commitment order directed to said Sheriff and dated August 23, 1937, and to attach to said amended order for attachment a certified copy of this order, which shall be a part thereof.

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 29936 shall remain in full force and effect.

This order shall become effective on the day of the date thereof.

Dated at San Francisco, California, this 15th day of December, 1937.

Leon A. Whelan
Frank P. Whelan

Ray L. Riley
Commissioners.