



UPFRONT

A Crash Course in Being a World-Class Jerk

Joline Gutierrez Krueger

Here's an idea for all you jerks: The next time you get caught for verbally intimidating or harassing your prey in a sexually explicit and totally disgusting manner, simply say that you were exercising your constitutional right to freedom of speech.

Or try impugning your prey's reputation by pointing out that she has a MySpace page and insinuating that anybody with such a libertine Internet presence is a reckless slut just begging — no, deserving — to be assaulted.

If all else fails, try insulting jurors' intelligence by assuming they are too stupid to understand certain two-syllable words in the jury instructions just because you don't.

Crazy, no?

Yet all of those were tactics used to defend Jayson Bice, the 39-year-old Albuquerque man charged with assaulting a job applicant by letting her know that the position required, ah, extra duties.

Let's just say they didn't include making coffee.

You remember Bice, the manager at Alliance Drug Testing whom I introduced you to in last Monday's column. The "job interview" occurred Oct. 11, 2007, but a quick check of records revealed that nine years before, when he worked at First Choice Community Health Care, Bice was accused of something quite similar — though even more egregious because the accusation was made by a 16-year-old girl and involved some fondling.

Coincidence?

Monday's column apparently prompted Bice's bosses in Plano, Texas, to place him on a leave of absence pending the outcome of the case — 10 months after the allegations surfaced, but who's counting?

On Wednesday, Bice went on trial before Metro Court Judge Cristina Jaramillo, quite a feat considering the case has been postponed nine times and Bice's attorney, Christine Argyres, was asking for a 10th delay because she was under the weather.

Cough drops at the ready, Argyres was forced to proceed.

And boy, did she.

Defense attorneys sometimes have to fight dirty for the sake of their clients. But this was a mudslide.

Bice's accuser tearfully testified about how shocked and frightened she had been when what began as

a simple, albeit creepy, job interview in a dark and isolated room turned sexual and threatening.

Sonia Trujillo testified that when she asked about the dress code, Bice told her that he preferred something with “easy access” so that he didn’t have to go through layers.

She also testified that Bice told her she would have to perform sex acts on him whenever he wanted and that he would deny it all should she tell anyone.

Trujillo testified that she felt frozen, afraid he would hurt her, rape her, kill her if she tried to run, and so it took her 1½ hours to muster up the courage to leave and many more to stop shaking with fright.

Argyres attempted to discredit Trujillo by questioning why, if she had been so frightened, had she stayed so long. Why had she remained so scared for her life over what amounted to a discussion of a dress code.

Argyres was also not allowed to go deeper into Trujillo’s MySpace page other than to suggest that it was akin to walking topless down East Central at night.

“Doesn’t it terrify you that anyone with a computer can access your photo?” Argyres asked, though the page was accessible only to Trujillo’s designated friends.

When I checked, the site contained only a tasteful photo of Trujillo and her daughter in full-length dresses.

The most curious of it came outside the earshot of the jury when Argyres asked the judge for a directed verdict — meaning the judge dismisses the charge — because the assault charge is unconstitutional.

“It’s crazy to me that in this day and age the state has such power to prohibit speech because it is offensive,” Argyres argued.

The judge didn’t buy that and denied the directed verdict, though she called the case itself bare and weak.

Tough crowd.

Argyres gave it one last shot, complaining to the judge that the statute on assault was simply too hard for jurors to understand because it used the word “impugn,” which Argyres pronounced as impunge.

Thus began an odd discourse on which definition to provide jurors along with the verdict forms and instructions.

Argyres, who lost her bid last June for a Metro Court judgeship by a scant 155 votes, rejected the definition “to assail by words” because she said she didn’t know what “assail” meant.

I thought that’s a word we learned in college. Or high school.

Jurors apparently had no trouble with the words and convicted Bice on the assault charge after an hour of deliberations.

As the verdict was read, Trujillo hugged another young woman who rejoiced in the conviction almost as much.

Nine years ago, that woman had been the 16-year-old job applicant.

Her jury had hung. But this time, jurors believed.

Both women say that although their victory may seem small — the most Bice will face is six months of incarceration — they hope other women who may have had a similar encounter will find the strength to come forward.

For his part, Bice shook his head and tossed out a snarky look like that of a man used to getting people to see things his way no matter what.

And he has.

An appeal is in the works, and Bice remains free on his own recognizance.

Two days after the guilty verdict, he was back on the job at Alliance.

You can reach Joline at 823-3603 or jkrueger@abqjournal.com.



BICE: Found guilty of assaulting female job applicant

