

# Transcript Paper Filed For Burka

By B. D. Colen

Washington Post Staff Writer

An attorney for Superior Court Judge Alfred Burka, in papers filed with the D.C. Court of Appeals yesterday, charged that the judge is being "prosecutorially persecuted" by the U. S. attorney's office.

The charge was in response to a request for a writ of mandamus, brought two weeks ago by the prosecutor's office. It asked the Court of Appeals to order Burka to release a transcript that Burka had ordered withheld.

Burka's answer said that mandamus, a sparingly used order by a higher authority to a lower one, would be a "punitive remedy" and inappropriate for the situation.

The judge's attorney, William W. Greenhalgh, of the Georgetown University Law Center, contended that "because of an isolated incident concerning remarks made by him (Burka) during an off-the-record bench conference, he is being prosecutorially persecuted in this court."

The prosecutor's office contends that in a hearing on Nov. 18 Burka made remarks derogatory to the U.S. attorney's office and suggested to an attorney that he, Burka, might go easy on the man's client if the U.S. attorney's office declined to reduce two felony charges to misdemeanors.

The U.S. attorney's office then attempted to get a copy of the transcript and was blocked from doing so by the judge.

Judge Burka has contended that the section of the D.C. code pertaining to court reporters and transcripts has no reference to the mandatory release of transcripts, while the U.S. attorney's office contends that the rules of Superior Court provide for such mandatory release.