

Judge Promised Defendant Easy Sentence for Guilt Plea

By Maurine Beasley
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Superior Court Judge Alfred Burka took a 20-year-old youth charged with burglary, aside for an off-the-record chat and promised him a lenient sentence if he pleaded guilty, according to a court transcript.

The transcript, made public yesterday, details an Oct. 13 proceeding in which Judge Burka referred to the defendant, Charles C. Dorsey, repeatedly as "Charles" or "Charlie."

"Step around here for a moment," Judge Burka told Dorsey, as the youth appeared before him and pleaded not guilty at arraignment on four charges stemming from two burglaries, one at 506 9th St. SE and one at 1014 South Carolina Ave. SE.

"No counsel, no prosecutor, just Charles and me," the judge said. The two conferred at the bench privately and Judge Burka then asked the prosecutor if he would accept Dorsey's plea of guilty to one burglary charge, presumably in return for dropping the others.

Although such arrangements, known as plea-bargaining, are common between defense attorneys and prosecutors prior to court appearances, it is highly unusual for a judge to institute them, court sources say. It is also uncommon for a judge to refer

to a defendant by his first name.

"In light of the government not knowing what the discussion were with the defendant, I am reluctant at this time to —," answered Assistant U.S. Attorney John Evans.

"I asked Charles — this may not be used against him — I asked Mr. Dorsey whether, just between he and I, whether he did these, and he said he did the one on South Carolina Avenue, but he really doesn't know anything about the other one . . . although Charles and I know that he was doing a lot of housebreaking around this time," the judge replied.

"He said he did do, and definitely remembers, the one on Carolina Avenue and he said he would like to plead guilty to that."

The judge went on to note that he previously had sentenced Dorsey to the Youth Center at Lorton on an earlier burglary charge and said, "I kind of feel a little responsible for Mr. Dorsey."

"In other words, I know more about this than I really should," the judge continued. "If it were a trial, it would have to be a jury trial, because I couldn't hear it now, knowing that Charles confided in me."

When Evans asked if "any representations were made to the defendant by the court, with regard to possible sentence," in return for the plea,

the judge responded:

"Yes. I told him, very likely, I would probably give him a concurrent sentence (to be served with his prior sentence) and commit him under the Youth (Corrections) Act." (Youth Act sentences are for an indeterminate period up to six years.)

"I certainly wouldn't sentence him to jail, because I would be defeating the purpose of my original sentence, which was giving him the advantages of the opportunity of continuing his education and to pick up an avocation at the (Lorton) Youth Center."

When Evans said he had no objections to the plea as long as no promises had been made to Dorsey, the judge interjected, "It can't be, because I did make a promise to him. I told him that, very likely, he would be sentenced under the Youth Act."

"I didn't tell him to plead guilty," the judge said. "I said, 'Charles this won't go any further, just between you and me.'"

The judge then accepted the plea and sentenced Dorsey, an admitted addict who said he broke into houses to get money for drugs, to the Youth Center concurrent with his earlier sentence.

Judge Burka dismissed the other burglary charges. The U.S. attorney's office had charged in both cases that fingerprints found at the scene linked Dorsey to the crimes.