

Judge Rankled By Witnesses For Defense

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By Maurine Beasley
Washington Post Staff Writer

A defense lawyer moved for a mistrial in Superior Court after Judge W. Byron Sorrell stated he had never seen a prosecution witness lie although he had found "some defendants who have not told the truth."

According to a transcript of the Oct. 12 proceeding, the defense attorney, Gerald Kane, then asked the judge, "Is the court stating only defendants and defense witnesses lie?"

Judge Sorrell replied, "I say, I haven't yet seen a case where I was able to discern that the government's witnesses were not telling the truth, because if I did I would take some action."

"But I have seen a number of cases where the defendant has taken the stand under oath and told an untruth and, by his own admission, when the presentence report comes in and it comes up for sentencing, he admits that he didn't tell the truth on the stand."

At this point Kane asked for a mistrial, even though a trial had not begun because his client was not present in the courtroom. He indicated his ground was belief the judge's statement showed prejudice toward defendants.

At length Judge Sorrell, saying he did not intend to get "a persecution complex," agreed to let the case be sent to another judge.

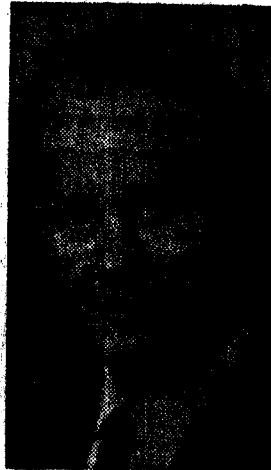
But first, according to the transcript, the judge accused Kane of being "frivolous," hinted the proceeding was making him (the judge) sick, and told Kane he was trying to "abuse judges."

"You have just seemed to think there is a license to abuse judges and I don't intend to get a persecution complex as a judge but I will retire to chambers, instead, so I will take a little recess and in the meantime, if you think I can't give anybody a fair trial you go ahead and we will certify it back (to the assignment office to be given another judge)."

Previously he had said, "I have reached a point, with lawyers coming in court claiming that their client's rights are violated and they are not receiving fair treatment from me, that I don't think I ought to hear any more cases where people come in and do that... I am tired of this sort of thing..."

Kane replied that he had tried cases before Sorrell before and "on every occasion" his client had received a fair trial. The issue, he said, was the judge's statement about the untruthfulness of defense, as compared to prosecution, witnesses.

The judge's outbursts on the credibility of witnesses came as Judge Sorrell and Kane discussed how to identify Kane's



W. BYRON SORRELL
... "tired of this thing"

client, Steven M. Williams, in the court cellblock.

Williams, of 2004 Savannah St. SE, either by accident or intention, did not come forward in the lockup when U.S. marshals called the roll. Judge Sorrell suggested that Kane should go to the lockup to identify him but the lawyer declined, saying this would be a breach of the attorney-client relationship.

Williams subsequently was identified by a policeman and tried on a petty larceny charge before Judge Sylvia Bacon, who acquitted him on technical grounds.

Asked to amplify his remarks on the untruthfulness of defense witnesses, Judge Sorrell said Friday that he had discovered they were lying "frequently enough for me to recall it." He said he could not remember exactly how often this had occurred.

In 1970 the judge sentenced a 21-year-old man to 30 days in jail for contempt of court after he admitted to a probation officer that he had lied on the witness stand. The judge vacated the order after attorneys complained that probation officers would never hear the truth if defendants were