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Judge's Dismissal of Case Overruled

The D.C. Court of Appeals has overturned an action by Superior Court Judge Harry T. Alexander who dismissed charges against a youth after a policeman referred to a black complainant by her name without the prefix "Miss" or "Mrs."

In a two-sentence order made public yesterday, the Appellate Court granted a motion by the D.C. corporation counsel's office to set aside the dismissal. The Court made no comment on the judge's action but ordered the case to be sent back to Superior Court "for further proceedings before another trial judge."

The youth, who is 16, was charged with possession of a sawed-off shotgun and with receiving stolen goods. His attorney, Silas Wasserstrom of the Public Defender Service, filed no opposition to reinstatement of the charges.

Dismissing the charges last July 30 at a Juvenile Court hearing, Judge Alexander, who is black, accused the policeman, who is white, of "contemptuous conduct." The officer referred to a woman complainant by her full name without the prefix "Miss" or "Mrs."

In its motion seeking to overturn the judge's decision, the corporation counsel's office argued that "the judge did not even ask the prosecu-

tor if he would proceed with the hearing before dismissing (the charges)."

It also noted that the "judge

had made it impracticable for the government to proceed with the hearing when, on two occasions, he excused the de-

fective from testifying... on grounds and in a manner so as to put the propriety of his conduct in question."

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