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# Judge Denounced for Trial Conduct

By Maurine McLaughlin  
Washington Post Staff Writer

The D.C. Court of Appeals yesterday denounced General Sessions Judge Edward A. Beard for his conduct at a trial where he asked for a show of hands among courtroom spectators on the guilt or innocence of a defendant.

In a blistering opinion, three Court of Appeals judges lectured Beard for "badgering" attorneys and failing to give "a fair trial" to Frederick Purvis, whom Beard found guilty last April 13 of possession of heroin. The court overturned the conviction. Purvis has been serving a 270-day sentence imposed by

Beard at the Lorton Reformatory.

The harshest criticism came from Judge Frank Q. Nebeker.

"When one indulges in the kind of dialogue which, as here, results in calling lawyers 'butchers,' and mocking a defendant at sentencing by taking a vote among courtroom spectators on whether they believe he is telling the truth, it is time for some serious reflection on past conduct and positive effort at self-control," Nebeker said.

A transcript of Purvis' trial shows that Beard called for the mock vote after Purvis told him before sentencing that he happened

to have 18 capsules of heroin in his coat pocket last Jan. 7 because it had been "left in a friend's house by housebreakers." Purvis said he and a companion "were going to talk to a friend" when stopped by police at 12th and M Streets NW and they noticed the bulge in his pocket. He was searched and arrested.

According to the transcript, Beard told Purvis that he did not believe his "clumsy lie" but said that he might change his mind if Purvis could convince courtroom spectators to "hold up their hands to say they believe your story."

See APPEAL, A6, Col. 1



**JUDGE EDWARD BEARD**  
... polled spectators

# Judge's Conduct Denounced

## APPEAL, From A1

The transcript reads:

Judge Beard: "If you had told me the truth you might have had a little bit of chance for me to help you. I won't take a clumsy lie under any circumstances."

Purvis: "May I say something?"

Judge Beard: "You have already said enough to get yourself a straight six months. Go ahead."

Purvis: "Truthfully, that's how it really happened."

Judge Beard: "You know we've got about I guess two dozen presumably disinterested people sitting here in the courtroom, all of whom heard your story. Now maybe I'm wrong. If you could get enough, a quota of the people in here to hold up their hands to say they believe your story I'm willing to reassess my evaluation. Ask them and see if you can get four or five hands up."

Purvis: "You want me to ask them?"

Judge Beard: "No, not your relatives. If you've got relatives here they don't count."

"Does anybody here believe his story? (The transcript does not show whether anyone raised a hand. The judge went on to indicate none did.) You see, the problem, I'm not that dumb. Why would you expect me to believe it. Nobody believes it, that's the point."

"Nobody believes that you were carrying heroin away from your friend's house that housebreakers left in your friend's house and you were taking it to a friend of your friend. Why would you do that? If somebody asked me to carry heroin from one place to another place, I'd say you must be out of your mind. I wouldn't touch it with a 10-foot pole except to flush it down the toilet."

The sentencing came immediately after Beard found Purvis guilty. The Court of Appeals said there was no presentence report to determine if Purvis, a laborer who lives at 1456 Oak St. NW, was a narcotics user.

The Court of Appeals sharply attacked Beard for his handling of the trial, which was conducted without a jury, as well as sentencing. It accused him of "ramming down the throats of counsel" a legal agreement, called a "stipulation," which the lawyers for both sides "agreed they never made, certainly not intentionally."

The stipulation was made when both Assistant U.S. Attorney Percy H. Russell Jr., whom Beard called at one point, "the strangest U.S. attorney I've ever seen," and defense lawyer Matthew W. Black Jr. told Beard that they were willing to agree that the material found on Purvis was heroin.

Both lawyers repeatedly tried to tell Beard, however, that the stipulation had been made only to save time at the trial by making it unnecessary for a government chemist to testify that the substance seized was heroin.

### Stipulation of Guilt

They both insisted that Black still wanted to argue that Purvis should be freed because he had been arrested and searched illegally. But Beard refused to allow this course, taking the position that Black had stipulated Purvis was guilty.

According to appeal papers filed by Black at one point Beard said, "It was fair for a guilty person to be stipulated into jail . . . I'm not going to play patsy anymore about whether this is a valid or invalid search."