

WITHIN 1-2 DAYS THIS
JUDGE WAS ASSIGNED TO
my CASE.

Saturday, February 6, 1988

Killer who hated gays receives 25 years to life

Judge rejects jury vote for life without parole

By Larry Welborn
The Register

A man who said he hated homosexuals was sentenced Friday to 25 years to life in state prison for bludgeoning a gay drifter to death more than two years ago in Laguna Hills.

Charles Edward Burke, however, escaped a tougher sentence for the first-degree murder conviction when Superior Court Judge Donald McCartin struck down a jury recommendation that he get life without parole.

McCartin said Burke, 23, of Cos-

ta Mesa deserved a chance for parole after 16 years in prison partially because he lacked a criminal background. The judge also said he believed that the Aug. 11, 1985, slaying of Gregory Mark McGowan, 30, was a spur-of-the-moment action by Burke.

McCartin's sentence drew immediate criticism from Angela McGowan, the dead man's mother.

She leaped to her feet in court and cried, "Have you ever had a child murdered? I can't live with it. I can't sleep nights. All I can see is my son lying in a field, wondering if he suffered. So don't tell me you know how I feel. Don't anybody ever tell me they know how I feel."

McGowan then said she no longer could listen to McCartin and rushed out of the courtroom in tears. Following her were other family members, who said they did

BURKE: Judge struck down jury's recommended sentence

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not want to listen to McCartin either.

"I think the whole thing stinks. Does my son come back to life after 16 years?" said McGowan, who lives in Romoland in Riverside County. "I think the judge is biased against homosexuals."

Meanwhile, Burke's relatives sat without emotion on the other side of the courtroom as McCartin altered the jury's sentencing recommendation. The judge said it was the first time he had done so in 10 years.

McCartin contended that jurors did not realize the gravity of their recommendation for a life term without the possibility of parole.

By state law, Burke must serve a minimum of 16 years.

County Deputy Public Defender William C. Kelley, Burke's lawyer, said McCartin's decision to strike the life-without-parole recommendation was "fair and gutsy." Kelley added that his client "has ex-

treme remorse over what happened."

Deputy District Attorney Ed Manoz, the prosecutor, said McCartin "shot from the hip" when he overruled the jury's decision.

Jurors deliberated less than two hours in November before finding Burke guilty of first-degree murder, attempted robbery and murder during the commission of an attempted robbery.

Police said Burke confessed to the murder after his arrest more than a month after the discovery of McGowan's body in Laguna Hills. He told investigators in a tape-recorded interview, "I'm not prejudiced, but I hate guys."

Burke said he knew that McGowan was a homosexual when he left a Laguna Hills restaurant with him the night of the murder. One of his friends later testified that Burke told him McGowan was staring at him and that he was going to beat and rob him.

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