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# 23,000-plus sign petition for judge to lose job over 'light' sentence in sex assault case

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**David Becker.**

By **Matt Rocheleau**

GLOBE STAFF AUGUST 26, 2016

Massachusetts US Representative Katherine Clark said a “troubling message” was sent when a judge last week [sentenced](#) a former East Longmeadow High athlete to probation and allowed him to attend college out of state, after he pleaded guilty to indecently assaulting two female classmates.

She said the case of David Becker, 18, was the latest in a string of questionable sentencing decisions by judges around the country for convictions of rape and sexual assault.

“Certainly, over the last few months, there seems to be a dangerous pattern of light sentences for very serious sexual assault crimes,” Clark said Friday afternoon. “This case once again sends a troubling message to victims of sexual assault that they cannot always count on the criminal justice system.”

Clark said the decisions reflect a lack of consideration for “the long-term impacts” of sexual assault on victims.

More than 23,000 signatures had been collected by late Friday afternoon on an [online petition](#) calling for the removal of Palmer District Court Judge Thomas Estes. Estes last week [sentenced](#) Becker to two years of probation and allowed him to serve it in Ohio, where he plans to attend college.

“Judge Estes is essentially letting a known rapist free on a college campus,” wrote Kelsey Bourgeois, author of the petition.

The petition’s signature count has more than quadrupled since Tuesday night as Estes’s controversial sentencing decision has made national headlines in recent days and been likened to the recent high-profile California case of Brock Turner.

The cases have raised questions about how often individuals avoid time behind bars when they are



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convicted of rape or other serious sex offenses.

[The Globe last month](#) reported that in 42 cases in Massachusetts in recent years, defendants were convicted of rape, but received no prison time, including several people who had lengthy criminal histories.

Such cases represented 14 percent of the 305 rape convictions in the 12-year period that concluded at the end of June 2013, according to statistics from the state trial court office.

The reports did not detail specific cases, and the state trial court office, which is exempt from public record disclosure laws, declined to release further details.

In Becker's case, Hampden County prosecutors requested a two-year jail term when he pleaded guilty Aug. 15 to two counts of indecent assault and battery on a person over 14. He was originally charged with two counts of rape and one count of indecent assault, on his classmates, who were unconscious. He pleaded guilty to the lesser charges of indecent assault and battery.

A spokeswoman for the state trial court office earlier this week declined to comment on the online petition. The office didn't make Estes available, either.

During his probation, Becker must remain drug- and alcohol-free, stay away from the 18-year-old victims, and submit to an evaluation for sex offender therapy, officials have said.

If Becker successfully completes his probation without any violations, the charges will be dismissed and he will not have to register as a sex offender, according to authorities.

Turner, the former Stanford University swimmer, was convicted on three felony sexual assault charges in California and sentenced in June to six months in prison.

Prosecutors had asked for him to be sentenced to six years behind bars, according to [media reports](#). He faced a maximum sentence of 14 years in prison.

Judge Aaron Persky, who presided over that case, faced harsh criticism and a campaign was launched calling for him to be recalled.

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On Thursday, a California court announced that [Persky will no longer hear criminal cases](#), a move he had requested.

Also, [legislators in California have since proposed mandatory prison sentences](#) for anyone convicted of sexually assaulting an intoxicated or unconscious person, as Turner did.

Turner, like Becker, is white; and both are athletes, which some critics say was a factor in the sentences they received.

Clark, a Democrat from Melrose, said she worried that bias has been a factor in some cases, and called for sentencing in sexual assault cases to be researched further.

“Based on race, or ethnicity, or age, are all perpetrators treated the same when it comes to sentencing?” she wondered. “For young, white men who are headed off to college or in college, are they treated differently? And are victims treated differently because they are women? Is this a pattern with certain judges or prosecutors?”

“These are questions that need to be explored,” she said.

Saying she had yet to review all of the specifics of the case, Clark declined to comment on whether she agreed with the call by petitioners for Estes to lose his job.

But, generally speaking, Clark said, “We need to hold judges and the rest of the criminal justice system accountable to make sure that everyone who comes into contact with our criminal justice system is treated equally and fairly.”

*Travis Andersen of the Globe staff contributed to this report. Material from the Associated Press was used in this report. Matt Rocheleau can be reached at [matthew.rocheleau@globe.com](mailto:matthew.rocheleau@globe.com). Follow him on Twitter @mrochele*

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