

## Judge faults sex offense sentencing guidelines

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### Robert Stanley Whalen, Jr.

**Leonardtown, MD** -- When Robert Whalen, Jr. was 27 years old he was charged with having sex with a 14-year-old girl, who subsequently became pregnant and had a child. Whalen, who has addresses in Lexington Park and Lusby listed in court documents, was charged with sex abuse of a minor and third-degree sex offense. He pled guilty to the third-degree charge June 5.

Whalen, now 29, stood before St. Mary's County Circuit Court Judge David Densford Aug. 14 for sentencing on the third-degree sex offense charge, which is a misdemeanor. Judge Densford, in reading the pre-sentence investigation by the Department of Parole and Probation, said he was shocked at the state guidelines for the offense with no other criminal record – probation of varying lengths.

Densford said he couldn't believe the guidelines didn't call for "active jail time."

Judge Densford asked Assistant State's Attorney Julie White if she was equally shocked and she said she was. The judge later said, "Guidelines in this case are in my opinion low but they are the guidelines."

Guidelines are advisory for judges but they have to explain in sentencing why they deviated from them. The judge did go above the guidelines by sentencing Whalen to ten days in jail and giving him credit for the five days he spent in jail after his arrest and before making bail. "That's a gift from the guidelines," the judge said.

The family of the alleged victim told the state that they did not plan on attending the sentencing hearing, nor did the victim, to give statements.

According to testimony at the sentencing hearing, there has not been a paternity test administered to determine if Whalen is indeed the father of the child. Whalen's attorney, public defender Kevin Hill, said that his client was willing to take responsibility for support of the child, but as of now he doesn't have a job, although he has promised to get his GED diploma and get a job. He has plans to move to Virginia.

Judge Densford wasn't impressed with all the promises. He told Whalen, "You just went through a hurricane and stayed dry. It's a miracle," he said.

Contact Dick Myers at [dick.myers@thebaynet.com](mailto:dick.myers@thebaynet.com)