

Time Lapse Cited in Sex Case Dismissal

By Chris Grygiel

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A State Supreme Court justice yesterday dismissed a multimillion dollar lawsuit brought by a Garden City Park woman who alleges her father sodomized her when she was a child, saying the action was taken after the statute of limitations had expired.

Justice George A. Murphy said that although he sympathizes with Sheryl Burpee if her allegations are true that her father sodomized her between 1972 and 1975 — from the time she was 8 until she was 11 — the five year statute of limitations for felonies had expired.

"The allegations of the plaintiff, if

true, call for the severest condemnation . . . the Court . . . is nevertheless required to determine this matter in accordance with the law of the State of New York," Murphy wrote.

Burpee, 27, said she only regained her memory of the incidents with her father, Donald Burpee Sr. of Garden City Park, last year in counseling sessions. She filed her \$17 million lawsuit April 23.

The decision concluded that Sheryl Burpee did not meet the exception — specifically extreme mental disability — that would have nullified the statute of limitations.

Her attorney, Eliot F. Bloom, said he

will study the judge's ruling and determine whether to appeal. Bloom said he hopes the state Legislature will examine Murphy's decision and consider changing the state laws on the statute of limitations to take into account adult victims of child abuse who regain their memory of incidents later in life. "There is a need right now for a change in the laws," Bloom said.

Sheryl Burpee had asked the court to deprive her father of the right to invoke the statute of limitations law because of the extenuating circumstances of the case. She was unavailable for comment yesterday.

Court papers filed by the father's

lawyer say the "defendant vehemently denies the allegations." Neither Donald Burpee nor his attorney returned repeated calls yesterday.

Sheryl Burpee, a gymnastics coach, said she began therapy in 1986 because, she says, she lacked self-esteem and was having difficulty in her relationships with men. Sheryl Burpee and her therapist, Ilene Brecher, said Donald Burpee acknowledged in joint therapy sessions at the end of last year that he had committed the abuse. In a letter to Bloom, Brecher wrote, "During these sessions, Mr. Burpee acknowledged that he sexually abused his daughter, Sheryl, during her childhood."