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A Psychiatrist Finds 'Son of Sam' Suspect Is Fit to Stand Trial

By MARCIA CHAMBERS

A psychiatrist retained by the prosecution to examine David R. Berkowitz, the man accused of being the "Son of Sam," has found him mentally fit to stand trial in Brooklyn for murder.

Dr. David Abrahamsen, an authority on criminal behavior, was retained by the Brooklyn District Attorney's office on Aug. 30 to examine the 24-year-old suspect after two court-ordered psychiatrists

found him to be suffering from paranoia and mentally unfit to stand trial.

The stage is now set for a hearing, scheduled for Oct. 20, at which the conflicting psychiatric testimony will be given and lawyers for both sides will cross-examine the psychiatrists.

After hearing the testimony, Justice John R. Starkey of State Supreme Court, assigned this week to preside over the Brooklyn case, will rule on whether Mr. Berkowitz is competent to stand trial.

The judicial ruling, like the conflicting psychiatric opinions given thus far in the case, will be limited to the narrow issue of whether Mr. Berkowitz understands the murder charges against him and is able to assist his lawyers in his defense. If Justice Starkey rules he is competent, he will stand trial. If he is not competent, then he will be sent to a hospital for

the criminally insane where he will stay until he can stand trial.

Under the law, Justice Starkey and Mr. Berkowitz's defense lawyers have the right to seek additional psychiatric examinations of the defendant. Should they do so, the hearing could be postponed. Thus far, the defense has not hired its own psychiatrist to examine Mr. Berkowitz, apparently satisfied with the opinions of the two court-ordered psychiatrists.

Dr. Abrahamsen, the author of "Nixon vs. Nixon: An Emotional Tragedy," has spent the last month examining Mr. Berkowitz at Kings County Hospital, interviewing members of his family and evaluating documents, including letters Mr. Berkowitz wrote to his father and statements he made to the police following his arrest last Aug. 10.

Mr. Berkowitz is charged with murder-

ing six young people and attempting to murder seven others during a year-long shooting spree in the Bronx, Queens and Brooklyn.

Dr. Abrahamsen is now writing a report of his findings to submit to Eugene Gold, the Brooklyn District Attorney. The defense will also get a copy. In August, Mr. Gold went to court to challenge the findings of Dr. Daniel W. Schwartz and Dr. Richard L. Weidenbacher Jr., the court-assigned psychiatrists, saying he believed Mr. Berkowitz was competent to stand trial.

Justice Starkey will determine whether Mr. Berkowitz is able to understand the charges against him and to assist his lawyers in his defense. This leads to rigorous than determining insanity, a question that can only be raised at trial and a question that involves the defendant's mental condition at the time the crimes

were committed. Mr. Berkowitz's counsel say they intend to raise an insanity defense should he stand trial.

Like insanity, a defendant's mental competence to stand trial is often the subject of conflicting psychiatric opinion.

In the mass-murder case of Calvin Jackson, 29 years old, an ex-convict who was accused of murdering nine women on Manhattan's West Side in 1973 and 1974, two court-appointed psychiatrists initially found Mr. Jackson mentally unfit to stand trial. Weeks later, prosecution psychiatrists found him competent to stand trial.

After a hearing, a Supreme Court justice in Manhattan ruled Mr. Jackson mentally competent to stand trial. At trial, Mr. Jackson raised the defense of insanity, which was ultimately rejected by the jury. He was sentenced to life in prison.