

New Berkowitz Judge Rules Out Making Disclosures About Case

By MAX H. SEIGEL

A justice of State Supreme Court in Brooklyn, reacting to criticism of his predecessor for talking too much about the "Son of Sam" case, yesterday slammed the door shut on interviews or the disclosure of documents involving the coming trial of the murder suspect, 24-year-old David R. Berkowitz.

"I am not issuing any statements or granting any interviews or giving any information," the justice, Joseph R. Corso, said. "And I am not releasing transcripts or other material relating to the case."

New York State's Commission on the Judiciary disclosed, meanwhile, that it would consider at its next meeting whether to censure Justice Corso's predecessor as trial judge in the case, John R. Starkey. Gerald Stern, the administrator of the commission, said the panel would study news reports and the questions they raised under the canons of judicial conduct, which forbid a judge to discuss a case before him.

Afterward, Mr. Stern said, the commission will investigate whether to censure the judge.

Justice Starkey asked to be relieved of the Berkowitz case after he was criticized for speaking freely about it to newspaper reporters and after he released to news organizations the transcript of 11 hours of interviews with Mr. Berkowitz that were conducted by two court-appointed psychiatrists.

Release of Transcript Assailed

Part of the transcript was published in The Daily News yesterday, and the immediate reaction from defense lawyers was that "now the case is definitely in jeopardy."

The lawyers explained that the material in the taped interviews could be

used by only the defense, not the prosecution.

"We've been talking about selecting an impartial jury," one of the lawyers, Ira Jultak, said. "Material such as this ought to be given a jury by first impression. Now, prospective jurors are forming opinions in advance."

Several criminal lawyers not involved in the case agreed with Mr. Jultak that the publication of material from the tapes would affect the defendant's ability to receive a fair trial.

Because of the publicity in New York City about the trial, Mr. Jultak said, he is preparing to apply next week to the Appellate Division of State Supreme Court in Brooklyn for a change of venue to a part of the state where the case has not received much attention in news reports. The lawyer said he would prefer a resort area, where people were not too concerned about reading newspapers.

On Wednesday, Mr. Jultak conferred at length with Justice Corso, proposing that the justice sign a court order that would seal documents related to the Berkowitz case. A spokesman for District Attorney Eugene Gold of Brooklyn said the prosecutor endorsed the move. As of late yesterday, no order had been signed and filed with the court clerk's office.

Observers noted, however, that Justice Corso's statement yesterday had the effect of banning the dissemination of information regarding the trial.

District Attorney Gold was even more reticent, answering all questions, through a spokesman, with "no comment." The spokesman said the District Attorney would not talk because he expected the jury verdict in the trial to be appealed and he did not want to hurt the state's case in any way.