

# Berkowitz Pleads Not Guilty in Brooklyn Murder

By MARCIA CHAMBERS

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David R. Berkowitz, accused of being the "Son of Sam" slayer, yesterday retained a new lawyer, pleaded not guilty to murdering a young woman in Brooklyn last month and informed the court that if he ever went to trial his defense would be insanity.

At his arraignment in State Supreme Court in Brooklyn, Justice Leonard E. Yoswein ordered the impoundment of the tapes made by Philip Peltz, a Brooklyn lawyer who allegedly offered to sell them to two newspapers. The tapes were delivered to the court clerk's office this afternoon.

Mr. Berkowitz, the chunky, blue-eyed former mail clerk, wore the same blue and white striped short-sleeve shirt and blue jeans he was wearing when arrested one week ago and took these legal steps during his 19-minute arraignment on murder and other charges.

Mr. Berkowitz, 24 years old, acted through three Mineola, L.I., lawyers, one of whom, Mark J. Heller, yesterday became Mr. Berkowitz's attorney of record. Mr. Peltz did not take part in Mr. Berkowitz's defense during the arraignment.

### Peltz 'Technically' Kept on Case

Mr. Peltz, now the subject of a disciplinary investigation by the Appellate Division of State Supreme Court in Brooklyn, sought Monday to withdraw as counsel. Justice Yoswein decided instead to keep him technically on the case until Mr. Berkowitz's psychiatric tests are expected to be completed Aug. 30, when it might

be determined whether the suspect is mentally fit to stand trial.

Then, Justice Yoswein said—apparently concerned about protecting Mr. Berkowitz's right to a lawyer of his choice—he intended to hold a "full hearing," including the taking of testimony on Mr. Peltz's motion to withdraw as counsel. Mr. Peltz said in an interview after the arraignment that he would only visit Mr. Berkowitz at the Kings County Hospital if the Son of Sam suspect asked him to. Later, one of Mr. Peltz's associates said the lawyer would first seek the permission of Justice Yoswein for any visit—if the opportunity should arise.

The justice also ordered impounded by 2 P.M. yesterday all Peltz-Berkowitz tapes and documents, including the power of attorney signed by Mr. Berkowitz for Mr. Peltz that gave the lawyer full title to all literary and media rights, with the lawyer getting one-third of the proceeds.

The tapes were apparently delivered at 2:15 yesterday by Alan Nemser, a lawyer who shares offices at 32 Court Street, Brooklyn, with Mr. Peltz and is helping him in his disciplinary case before the Appellate Division. Mr. Nemser, Joseph Parisi, Chief Criminal Clerk of the Supreme Court, Mr. Peltz, Justice Yoswein and his law secretary gathered in Mr. Parisi's office on the 10th floor of the Supreme Court Building for more than two hours yesterday. Afterward, the justice would not explain the reason for the meeting, saying "whatever happened was in accordance with the court's order."

Earlier, Mr. Berkowitz sat between Mr. Peltz and Mr. Heller and whispered occasionally during the brief court session to one or the other. The arraignment of the murder indictment—mandated under state law regardless of the fact that a defendant might be undergoing psychiatric examination—took place under tight security precautions.

Mr. Berkowitz, who appeared to be somber and alert and only once flashed his strange half-smile, kept his handcuffed hands in his lap, sometimes moving his fingers to accompany the words he spoke to the lawyers. He had arrived at the court house in a seven-car convoy, with sirens wailing, lights flashing and a helicopter hovering overhead. About 25 police officers blocked the service lane on Adams Street to await the caravan. Mr. Berkowitz was not visible from a Correction Department van, whose tiny windows were covered with mesh wiring.

### 'Are You David D. Berkowitz?'

Inside the courtroom, Mr. Berkowitz was surrounded by seven court officers and at least one dozen undercover detectives in the spectator section.

His words were few, and he stood, along with his lawyers, as he said them.

"Are you David R. Berkowitz?" asked the court clerk, Arnold Rosenberg.

"Yes, I am," Mr. Berkowitz replied softly.

"Do you have an attorney?"

"Yes, I do."

"What is his name?"

"Mr. Heller, sir."

The introduction of yet another lawyer into the Berkowitz case surprised many

of the 150 spectators in the courtroom, including, from his expression, the judge. Mr. Heller told the court that a member of the Berkowitz family had asked him to represent the defendant. He said that Leon Stern and Ira Jultak, who sat nearby, had been retained by Mr. Berkowitz's father, Nathan. The three Mineola lawyers, he said, would work together.

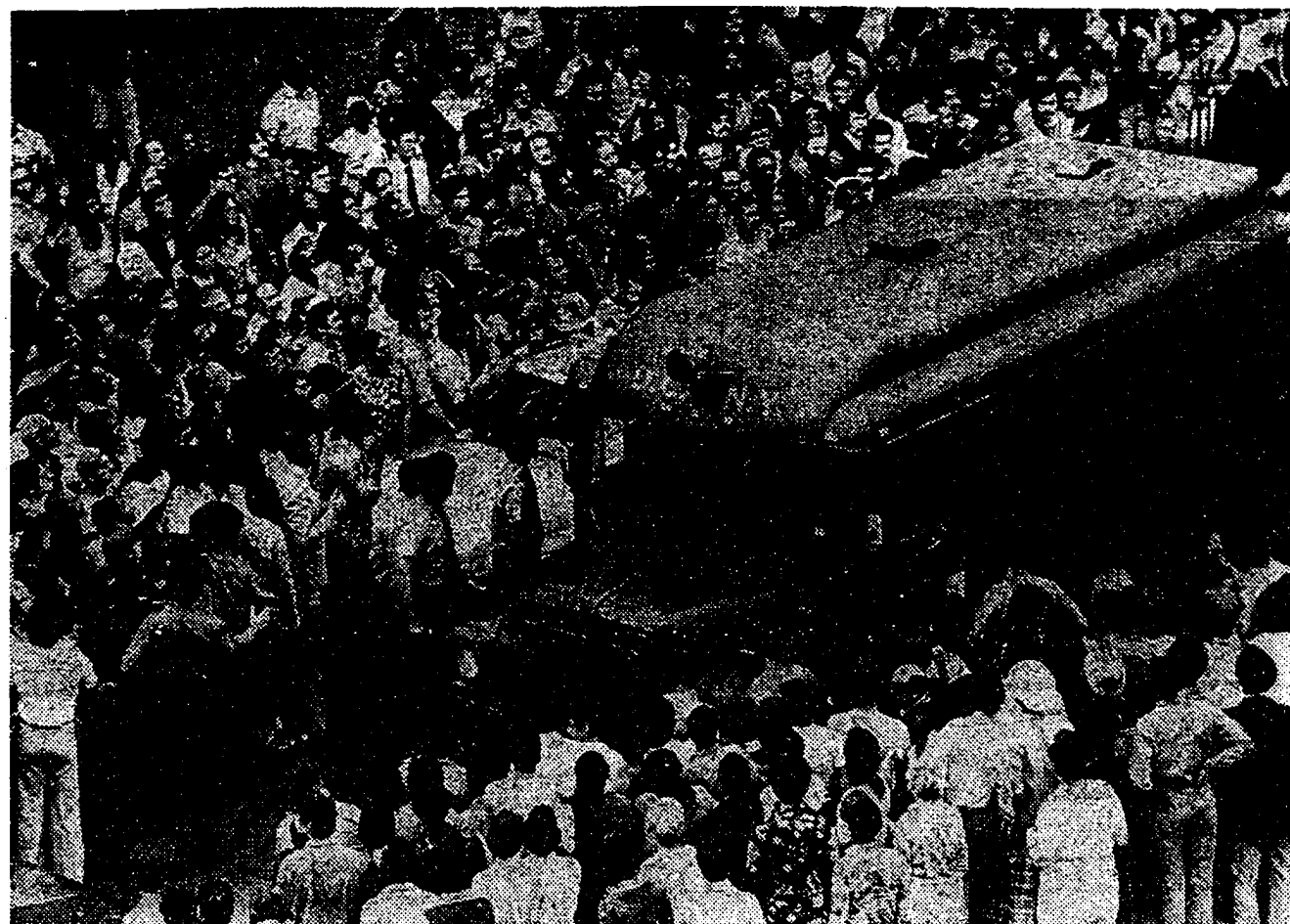
Mr. Heller met with Mr. Berkowitz at Kings County Hospital yesterday and talked to him for about 20 minutes before and after yesterday's arraignment. Justice Yoswein then formally appointed Mr. Heller, who is 31 years old, as Mr. Berkowitz's lawyer of record, and the formal arraignment began.

Eugene Gold, the Brooklyn District Attorney, who might personally prosecute at a trial if there is one, turned a copy of the indictment over to Mr. Berkowitz's lawyers. It charged Mr. Berkowitz with the murder of Stacy Moskowitz, 20, last month; the attempted murder of her escort, Robert Violante, 20; assault, and possession of a weapon.

While Mr. Heller, Mr. Stern and Mr. Jultak were supposed to be working together, it appeared they had not decided just how they were going to handle Mr. Berkowitz's plea.

Initially, when asked how he pleaded, Mr. Heller responded for Mr. Berkowitz by saying: "The defendant asks to plead not guilty." Several seconds later, Mr. Jultak suggested to the judge that a plea not be entered now, but Justice Yoswein said the fact that one had been entered would not prejudice the case.

Justice Yoswein then ordered that Mr. Berkowitz return to Kings County Hospital and that bail be held in abeyance.



The New York Times/Neal Boenzi

Scene outside State Supreme Court building in Brooklyn as armored Department of Correction van transported David R. Berkowitz, suspected .44-caliber killer, from arraignment on charges of the murder of Stacy Moskowitz.



The New York Times

Mark J. Heller, part of new defense team of lawyers, explaining not guilty plea filed for Mr. Berkowitz.