

Search Warrant in Berkowitz Case Was Sought 4 Days Before Arrest

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WHITE PLAINS, Aug. 19—An investigator from the Westchester County sheriff's office tried in vain to get a search warrant to enter the apartment of David R. Berkowitz on Saturday, Aug. 6, four days before the 24-year-old postal worker was arrested as the suspected .44-caliber killer, the office said today.

The warrant had been sought on the basis of mysterious letters received by a downstairs neighbor of Mr. Berkowitz's and a fire that had erupted outside the downstairs neighbor's door, according to Under Sheriff John P. O'Brien. He added that the attempt to get a search warrant had been cut short by an assistant district attorney who held that there were insufficient grounds for obtaining a warrant.

But Mr. O'Brien, reviewing the episode today, said it was probably fortunate that the warrant had not been granted.

"If the D.A. had been talked into [acquiescing to] getting a warrant and it had later been proved in higher court that there had been insufficient grounds for granting it, then all the evidence found in the search would have been thrown out," Mr. O'Brien said.

"The D.A. was 100 percent right and the sheriff concurred," he said, referring to the possibility that newspaper clippings, firearms, ammunition, graffiti and notes on shootings carried out by the .44-caliber killer—found in the apartment after Mr. Berkowitz's arrest—would probably have been held inadmissible as evidence if the search warrant had been judged invalid.

Mr. O'Brien added, though, that the investigator from the sheriff's office "definitely" would have been able to link Mr. Berkowitz to the "Son of Sam" case if he had seen such articles in the apartment when he searched it.

A Two Month Investigation

The attempt to search Mr. Berkowitz's apartment by the investigator, David Feliciano, capped a two-month investigation of the Yonkers man that began when Craig Glassman, an auxiliary deputy sheriff, received an obscene, anonymous letter in June, according to Mr. O'Brien.

The investigation was fueled by a second mysterious letter received by Mr. Glassman one month later, and, finally, the eruption of a fire on Saturday, Aug. 6, outside the door of the downstairs neighbor of Mr. Berkowitz at 35 Pine Street.

"The Yonkers police and fire departments came on the scene and during their conversation, they learned that the Yon-



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Craig Glassman, Westchester County deputy sheriff, at awards ceremony yesterday.

kers police had received complaints from another neighbor about threatening letters and that they had Berkowitz as a suspect in this," said Mr. O'Brien.

The other letters had been received by Sam Carr, who lived near Pine Street and has been identified as the possible "Sam" of the .44-caliber killer's obsession.

In an attempt to gather sufficient evidence for the search warrant, the Sheriff's Office on Wednesday morning sent the letters received by Mr. Glassman to the Federal Bureau of Investigation in Washington for handwriting analysis, to determine whether all the letters received by Mr. Glassman and Mr. Carr had been penned by the same hand, Mr. O'Brien said.

By Wednesday, though, police officers were already on their way up from New York City to investigate Mr. Berkowitz, an action that would lead to the stakeout Wednesday that resulted in his arrest.

Commenting on the warrant that was never granted, a spokesman for the Westchester County District Attorney, Carl A. Vergari, said: "As it turns out, it was a good thing we turned it down. The murder case would have been messed up to a fare-thee-well."