

BERKOWITZ FINDING OPPOSED IN QUEENS

District Attorney Says He Will Ask for Further Study of Suspect

By MARCIA CHAMBERS

John Santucci, the Queens District Attorney, will challenge a psychiatric report saying David R. Berkowitz is not competent to stand trial and ask in State Supreme Court in Queens today for further psychiatric evaluation of the man accused of being the Son of Sam, who killed six persons.

Mr. Santucci outlined his plans following a two-hour meeting in Manhattan with Eugene Gold, the Brooklyn District Attorney, and Mario Merola, the Bronx District Attorney.

The Queens prosecutor denied there was any ill will among the three men, each of whom has grand jury indictments accusing the 24-year-old former mail clerk of murder and attempted murder. In their public statements in recent weeks, each has pledged cooperation and unanimity of thought, but behind-the-scenes dissension has developed over strategy governing the case.

Hearing Set for Oct. 4

According to those familiar with the conversation today, the Brooklyn District Attorney would prefer if Queens and the Bronx waited until a judicial ruling on Mr. Berkowitz's competency was rendered in Brooklyn before they begin independent psychiatric evaluation in their own counties. A hearing on the competency issue has been scheduled for Oct. 4.

The reasoning would be that should a Supreme Court Justice in Brooklyn find Mr. Berkowitz competent to stand trial there, then the other counties could conceivably avoid the expense of additional psychiatric examinations.

Mr. Santucci did not rule out the possibility of awaiting the Brooklyn ruling before sending the psychiatrist of his choice to visit Mr. Berkowitz.

"I don't know when my psychiatrist would begin his work," he said yesterday. Initially, he said, he wanted psychiatrists at Kings County Hospital to give Mr. Berkowitz additional tests.

He added that when a psychiatrist of his choice is selected, he would not interfere with the work of Dr. David Abrahamson the psychiatrist hired by Mr. Gold to examine Mr. Berkowitz. Dr. Abrahamson began the first of several visits with the suspect at the hospital yesterday.

"I may be doing things that are duplicative," said Mr. Santucci in an interview, "but I must protect my cases. Each case will be tried separately," he said, "and we all have to go through the same procedures."

Merola's View

Mr. Merola could not be reached for comment, but aides say he believes he has legal problems not common to Queens and Brooklyn, which are in the same judicial district and conceivably could share some legal procedures. For example, the psychiatric report that found Mr. Berkowitz incompetent was undertaken under a court order by a Brook Supreme Court justice and was sent to Queens and the Bronx. It is that report, which Mr. Santucci read yesterday, that he plans to challenge in Supreme Court today before defense attorneys and Mr. Berkowitz.

In another development yesterday, Jimmy Breslin, the New York Daily News columnist, released a letter that he said he had received from Mr. Berkowitz, in which Mr. Berkowitz invited the columnist to visit him at Kings County Hospital.

Mr. Breslin, who had received letters from the .44-caliber killer, said in an interview that he would accept the invitation from Mr. Berkowitz "at an appropriate time."

"There are his legal rights to think of," Mr. Breslin said. "There are certain rights that must be protected. I'm very conscious of them."

In his column today, Mr. Breslin said that this most recent letter was a response to one he had written to Mr. Berkowitz. Mr. Breslin said his letter reminded Mr. Berkowitz that a letter last June, from "the Son of Sam" had made a promise to introduce Mr. Breslin to the person he calls "Sam."

"I reminded him of the promise and said I wanted to come over and see him and meet Sam," Mr. Breslin said in his column.

The letter from Mr. Berkowitz, written in script and postmarked Aug. 25, said in its entirety:

"It has come to my attention that you wish to speak to me. Well, all you have to do is come over to my house at Kings County Hospital. At this time I am unable to visit you.

"I am quite disgusted with the way the press has been spreading lies about me, but perhaps some of these can be ironed out in our meeting. However, I am not one to cry out a case of injustice.

"I hope Mayor Beame enjoys dribbling my head across the court. This is like a circus event with clowns and criminals. Please bring a beer when you come.

"Sincerely,
"David Berkowitz."

The .44-caliber killer murdered three persons in the Bronx, two in Queens and one—the last victim, Stacey Moskowitz—in Brooklyn in a little more than a year.