

Merola Seeks Psychiatric Tests For Man Held as 'Son of Sam'

By MARCIA CHAMBERS

District Attorney Mario Merola of the Bronx yesterday asked that a panel of psychiatrists from Bellevue Hospital be appointed to conduct a new series of psychiatric examinations of David R. Berkowitz, the man accused of being the .44-caliber killer, also known as the "Son of Sam."

But Mr. Merola, mindful of a judicial hearing scheduled for Oct. 20 in Brooklyn at which a State Supreme Court justice will hear testimony and will decide if Mr. Berkowitz were mentally fit to stand trial for murder, told Justice William Kapelman of State Supreme Court in the Bronx that he was in no hurry to start the evaluation by the Bellevue panel.

By law, each District Attorney in the counties in which Mr. Berkowitz is accused of murder—the Bronx, Brooklyn and Queens—is entitled to challenge the Aug. 30 findings by two court-ordered psychiatrists in Brooklyn that Mr. Berkowitz was mentally unfit to stand trial at the time.

This means that the 24-year-old former mail clerk, who is accused of six murders and seven attempted murders over a one-year period, was found to be unable to understand the charges against him or to assist his lawyers in his defense.

Suspect's Father Interviewed

District Attorney Eugene Gold of Brooklyn, whose office proceeded first against the suspect, has challenged the initial psychiatric findings, and has hired Dr. David Abrahamsen, an authority on criminal behavior, to conduct the prosecutor's psychiatric examination. Dr. Abrahamsen spent an hour last week talking to Mr. Berkowitz's 68-year-old father, Nathan. He will complete his evaluation by Oct. 20.

District Attorney John J. Santucci of Queens has not hired a psychiatrist to make an additional evaluation. An aide said yesterday that Mr. Santucci would await the judicial ruling in Brooklyn before taking any further action.

Yesterday was Mr. Merola's turn. And with the consent of the defense counsel he chose to waive Mr. Berkowitz's appearance in court. A score of reporters attended the court session. Mr. Merola

said he wanted to avoid the "circus-like" atmosphere and the expense of transporting Mr. Berkowitz to the Bronx from Kings County Hospital in Brooklyn.

At similar proceedings this month Mr. Gold and Mr. Santucci, initially agreed to waive Mr. Berkowitz's appearance in court. They cited the same reasons as Mr. Merola. But Mr. Gold and Mr. Santucci, both of whom are running for election later changed their minds. Mr. Merola is not running for office this year.

Next Court Date Nov. 10

Mr. Merola asked Justice Kapelman to order the Bellevue tests and the justice seemed inclined to do so immediately. The justice noted that different findings might be made in the different boroughs, but he said Mr. Merola was "duty bound" to have a hearing on Mr. Berkowitz's competency.

Mr. Merola agreed, but asked that the issue be adjourned until Dec. 7, saying he did not want to interfere with the Brooklyn court process. Leon Stern, one of Mr. Berkowitz's lawyers, objected to another examination, at least until the Brooklyn hearing was over, and Mr. Merola concurred.

Justice Kapelman, apparently growing impatient, said a determination of competency was like the "shifting sands," a person can be competent one day and incompetent the next. "I see no purpose in delaying additional tests," he said, and set Nov. 10 as the next court date.