

Berkowitz Is Judged Competent; A Murder Trial Is Set for May 8

By MAX H. SEIGEL

New York Times (1923-Current file); Apr 25, 1978;

ProQuest Historical Newspapers The New York Times (1851 - 2007)

pg. 77

Berkowitz Is Judged Competent; A Murder Trial Is Set for May 8

By MAX H. SEIGEL

David R. Berkowitz, accused of being the .44-caliber killer, was found mentally competent yesterday to stand trial in the murder last July 31 of 20-year-old Stacy Moskowitz and the attempted murder of her companion, Robert Violante.

The decision, by Justice Joseph R. Corso in State Supreme Court in Brooklyn, opened the way for the first trial of the 24-year-old former postal clerk, who is accused of having committed the six so-called Son of Sam murders. Justice Corso scheduled the trial to begin May 8.

Last October, the suspect was found competent by another justice of State Supreme Court, John R. Starkey. But Justice Starkey subsequently removed himself from the case and Justice Corso decided that more hearings on fitness were necessary because the defendant's condition might have changed in the long time between his hearing and a trial.

In handing down his decision yesterday, after four days of closed hearings, Justice Corso said: "The people have established by a fair preponderance of the evidence that the defendant does not, as a result of mental disease or defect, lack capacity to understand the proceedings against him or to assist in his defense."

Justice Corso said he set the trial date after conferring with District Attorney Eugene Gold and the defense lawyers, Leon Stern and Ira Jultak.

"I have cautioned the attorneys for both sides that from that date the trial



The New York Times/William E. Sauro
Justice Joseph R. Corso

Continued on Page 27, Column 1

BERKOWITZ IS JUDGED COMPETENT FOR TRIAL

Continued From Page 1

will proceed to its conclusion without further delay," he said.

If the trial takes place—and there have been indications it may not because of the defendant's statement last October that he planned to plead guilty—Mr. Stern said he would base his defense on the plea of "not guilty by reason of insanity" already entered for his client.

He added that if Mr. Berkowitz decided to plead guilty, there would be nothing that he as the defense lawyer could do about it.

Justice Corso said his ruling was based on the testimony and reports of four psychiatrists, on exhibits and other evidence submitted by both sides.

'Understands' the 'Alternatives'

"The testimony indicates," Justice Corso said, "that defendant has given full consideration, pro and con, to the legal alternatives available to him and understands them. It further indicates that he is appropriately addressing himself to the immediate problem confronting him."

Justice Corso noted too that during the hearings the defendant's conduct had been orderly with "no emotional outbursts, disruptive behavior or bizarre conduct." Also, he said, Mr. Berkowitz "has a complete understanding of the process of trial and the roles of the judge, jury, prosecutor and defense attorneys," and "he has had a working relationship with his attorneys up to the present time."

Assistant May Prosecute

District Attorney Gold indicated that he might not be the prosecutor once the trial started. "I just don't have the time to leave my other duties for so long," he said, "so I'll try to arrange for Shelley to carry on."

"Shelley" is Sheldon Greenberg, first assistant district attorney, who has been working on the case with Mr. Gold.

Mr. Berkowitz will go on trial nine months after his capture last August ended a year of terror for New Yorkers.

Since most of the victims were young people with long brown hair and since most of the murders took place in quiet areas, it also was a year during which many women cut their hair short and avoided trysting places that were secluded.

The first victim of the man who said he had been ordered to kill by the "Son of Sam" was Donna Lauria, 18, of 2860

Blocked due to copyright.
See full page image or
microfilm.

The New York Times

Sheldon Greenberg, first assistant district attorney, is expected to prosecute the Berkowitz case.

Buhre Avenue, the Bronx. She was shot to death about 1 A.M. on July 29, 1976. A friend, Jody Valenti, 19, of 1918 Hutchinson River Parkway, who was in a car with Miss Lauria, was wounded.

The last victim, Stacy Moskowitz, was killed and her friend, Robert Violante, was wounded, as they sat in a parked car in a quiet street in Bensonhurst a year later.

In between, the killer shot to death Christine Freund, 26, on Jan. 30, 1977; Virginia Voskerichian, 19, on March 8, 1977; Valentina Suriani, 18, and Alexander Esau, 20, on April 17, 1977.

Wounded were Carl Denaro, 20, on Oct. 23, 1976; Joanne Lomino and Donna Di-Masi, 17, on Nov. 27, 1976; and Judy Placido, 17, and Salvatore Lupo, 20, on June 26, 1977.