

Berkowitz Outbursts Disrupt Court; Sentencing Put Off, Tests Ordered

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David R. Berkowitz being restrained after an outburst in the courtroom

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By MAX H. SEIGEL

David R. Berkowitz, who was scheduled to be sentenced yesterday for the six "Son of Sam" murders, battled officers before entering the courtroom, then walked in chanting, "Stacy was a whore."

The courtroom erupted in turmoil and, only minutes after he entered, Mr. Berkowitz was dragged out by half a dozen guards. His sentencing was postponed for three weeks, and a new psychiatric examination on his competency—the third ordered by a court—was scheduled.

The 24-year-old defendant arrived at State Supreme Court in Brooklyn shortly before 10 A.M. and was taken to the seventh-floor office of Dominick Ruocco, the chief court officer. Inexplicably, he rushed toward a large window.

Court officers battled to stop him, and one, Capt. Thomas O'Toole, suffered a torn leg muscle. Another, Capt. Joseph Murphy, was bitten on the arm.

An hour and a half later, Mr. Berkowitz was led—manacled, as he has always been—into the crowded courtroom.

'I'd Kill Her Again

When Neysa Moskowitz, the mother of 20-year-old Stacy—Mr. Berkowitz's last victim—heard his chanting, she cried out, "You're an animal!" and then ran from the crowded courtroom.

"That's right, that's right," the former postal clerk shouted after her. "I'd kill her again. I'd kill them all again."

Robert Violante, who was wounded when the young woman, his date that night, was killed, jumped up shouting, "You should get killed, you creep!"

Mr. Violante, who was left blind in one eye by the attack last July 31 and whose vision in the other is now limited to four

feet, then collapsed in his seat, sobbing. His father, Pasquale, put an arm around his son to comfort him.

The outbursts, which startled the hundreds of reporters and spectators in the large courtroom, ended abruptly when half a dozen court officers pushed and dragged their manacled prisoner out of the room into a small waiting room.

Those who had observed the .44-caliber killer during earlier court appearances were shocked. He had always seemed pleasant, polite, even slightly repentant, they said. But when he was dragged into the courtroom yesterday, his face was flushed, his eyes distended wildly and his forehead smeared with dirt. His light blue suit—the same one he had worn in other court appearances—was rumpled and soiled.

After he was dragged from the court-

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Berkowitz Outbursts Delay His Sentencing

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room, and after further delays, Justice Joseph R. Corso, mounted the bench to start the proceedings without the presence of the prisoner. Leon Stern, one of the two lawyers defending Mr. Berkowitz, rose to ask for a three-week delay in sentencing and for a new psychiatric test of their client "in the light of what happened this morning."

Justice Corso disclosed that he earlier had ordered a complete physical and mental examination of Mr. Berkowitz and that such an examination had been carried out last Thursday. Justice Corso said the last psychiatric test conducted by Dr. Daniel Schwartz, the chief of forensic psychiatry at Kings County Hospital, had shown the prisoner mentally fit to be sentenced.

The justice then quoted a segment of the report, saying he wanted to get it on the record. The segment, in which the prisoner is interviewed by Dr. Schwartz, follows:

"When asked what he thinks will happen in court, his mood changes once again. Now, his face lights up and his eyes twinkle as he replies, 'I know but I'm not telling.'"

"Is that something that Judge Corso and I don't know?"

"That's right."

Then Justice Corso stopped quoting the report and said, "Despite the prediction of a surprise, the interests of justice demand that there be another examination. In the meantime—"

"There's no meantime!" a young spectator in the courtroom rose and shouted. "That's no justice! What about the families? How much do you think they can take?"

The young man, identified as Daniel Carrique, a friend of the Moskowitz family, was led from the courtroom by officers as Justice Corso, visibly angered, said, "I trust I am presiding in an American court to dispense justice. I will not be influenced by any public clamor. Between now and June 12, I am ordering another examination. My order will state specifically that one or more psychia-

trists, aside from Dr. Schwartz, conduct the examination.

Justice Nickolas Tsoucalas of Queens and Justice William Kapelman of the Bronx then took their turns in the courtroom to announce similar postponements. The justices from Queens and the Bronx were present in Brooklyn as part of an unusual arrangement designed to speed the proceedings and avoid having the defendant go through separate appearances in the other boroughs where the killings took place.

A representative of the District Attorney in Queens endorsed the postponement of sentencing, but District Attorney Mario Merola of the Bronx refused to go along.

"You're setting a precedent," he told Justice Kapelman. "I don't know what will happen with another report. You have an obligation. This will be the third report. Where will it go? Where will it end? The psychological report has forewarned us. I think this court has to bite the bullet and sentence him today."

Mr. Berkowitz could have been sentenced without being present in the courtroom.

Although adjudged competent last month to stand trial, he could nevertheless serve time in a hospital rather than a prison. After the next examination by psychiatrists, he could be committed to a psychiatric hospital until cured, then returned to prison to serve out the remainder of his sentence.

"I don't see how justice would be perverted by postponing the sentencing," Justice Kapelman said. "It's not my intention to allow this to go on ad infinitum."

Afterward, Mr. Merola, District Attorney Eugene Gold of Brooklyn and a spokesman for District Attorney John J. Santucci of Queens said the justices had ordered that there be no discussion of the case. While complying for the time being, an angry Mr. Merola said he would appeal the gag order.

Efforts to learn why the order had been imposed proved unavailing yesterday afternoon. Justice Corso was not available and did not return calls.