

# BERKOWITZ: The evidence says he was not alone in Brooklyn

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eight attacks, which left six dead and seven wounded.  
At one other shooting, two girls, to whom the assailant spoke face-to-face before he pulled the gun, each described a person markedly different in appearance from Berkowitz: Thin, dark eyes, and—as in Brooklyn—with long, straight, parted hair.

At two other shootings there were no known witnesses.  
In Westchester, the newspaper investigation has uncovered more instances of another person acting in apparent concert with Berkowitz, whom police have depicted as a friendless loner.

In total, there are at least nine reported occurrences—involving some 15 witnesses—of two persons, two cars, or of assailants whose descriptions differ from Berkowitz' at the scene of crimes Berkowitz has either confessed to committing or is suspected of committing by authorities.

And it now appears that unless the recollections of the witnesses in Brooklyn are wrong, Berkowitz was not alone at that scene, lied in a critical area of his confession and, indeed, was probably not the person who gunned down Violante and Miss Moskowitz.

One of those witnesses, Cecilia Davis, is a 51-year-old widow who lives alone with her white spitz, Snowball, in a garden apartment on Brooklyn's Bay 17th Street.

Mrs. Davis told the police not only about the ticket Berkowitz had received for parking too close to a fire hydrant but also of Berkowitz' car leaving the scene before the shooting. Mrs. Davis says she told homicide detective Joseph Strano two days after the attack that Berkowitz' Ford had been driven off before the shots were fired, in apparent pursuit of the police car that had issued the ticket.

Strano confirms hearing the story but says he didn't learn of it until after Berkowitz' arrest, when Mrs. Davis told it to an assistant district attorney in Brooklyn.

It is known, however, that the police, checking the ticket, originally sought Berkowitz as a possible witness to the Moskowitz killing—not a potential suspect. His car's departure before the shooting would provide a plausible explanation for this police action.

In any event, the information has never been made public by the police.

Mrs. Davis says she next disclosed the story to the Brooklyn District Attorney in May, 1978, nine months after Berkowitz had been arrested. She had not been interviewed by the prosecution before then.

"I always thought the police told the district attorney about it," she says. "But he (the assistant district attorney) told me he never heard it until I told him."

Steven T. Wax, a former assistant district attorney in Brooklyn and now the public defender in Broome County, says that he cannot recall the Davis conversation but that his notes of a May, 1978, meeting with her indicate he was told of Berkowitz' driving away.

Besides contradicting Berkowitz' account, Mrs. Davis' description of Berkowitz on Bay 17th Street moments before the shooting differs substantially with the one supplied by Zaino, who says he watched the killer before, during and after the attack two blocks away on Shore Parkway.

Zaino, who was described by the police at the time as "the best eyewitness we've had," was parked with his date directly in front of Violante's car. Zaino was about 30 feet from the gunman when he first saw him in the bright glow of an overhead street light "by a park bench looking at the cars."

Zaino says the man had long, straight hair, which was parted down the middle and on the sides covered most of his ears. He wore a light gray or white uniform-type shirt with the sleeves rolled up. The shirttails were out of his trousers, Zaino says, and "he was definitely not wearing a jacket."

Zaino says that after watching the man through the side window of his car, he turned and next saw him in the rearview mirror, approaching the Violante auto. The gunman, he says, walked slowly to the car, pulled the .44-Bulldog from beneath his shirt, crouched and fired. Ballistics tests subsequently confirmed it was the same gun used in all the Son of Sam attacks and the gun Berkowitz was carrying when he was arrested in Yonkers 10 days later.

Yet, says Zaino, "I know what I saw. If it was Berkowitz, he had to be wearing a wig. If he wasn't wearing a wig then it wasn't Berkowitz."

Both the police and Berkowitz say that he never wore wigs and no wigs or traces of wig hairs were found in his possession.

Conversely, Mrs. Davis, who saw Berkowitz from a distance of about five feet barely more than a minute before the shooting, makes special note of his "short, neat, wavy hair." She also says "he was wearing a dark blue jacket with the sleeves rolled down. He had on a shiny Qiana shirt with small designs, and the shirt was tucked into his pants. Just the top button of the shirt was open. He had a little smile on his face and he just looked very neat, like he might have been out on a date."

Violante, who earlier saw the "grubby-looking hippie type with fairly long, very messy hair" in the park at the time Berkowitz was apparently away from the scene, says the man had the sleeves rolled up on either a shirt or jacket, which coincides with Zaino's description of the long-haired killer's shirtsleeves.

In between those two sightings, however, Mrs. Davis encountered the "neat, short-haired" Berkowitz on foot two blocks away and specifically noticed that the sleeves of his dark blue jacket were down.

"I noticed it so much because he had something that looked metallic partially hidden up his right sleeve," she says. "I thought at first it might be a radio, but then I realized it could have been a gun."

The conflicting information from the Brooklyn witnesses and Berkowitz' abrupt departure from the scene at a time he says he was watching Violante and Miss Moskowitz on the playground swings appear to support a statement made by Berkowitz last fall, when one of these writers was with him during a four-hour interview.

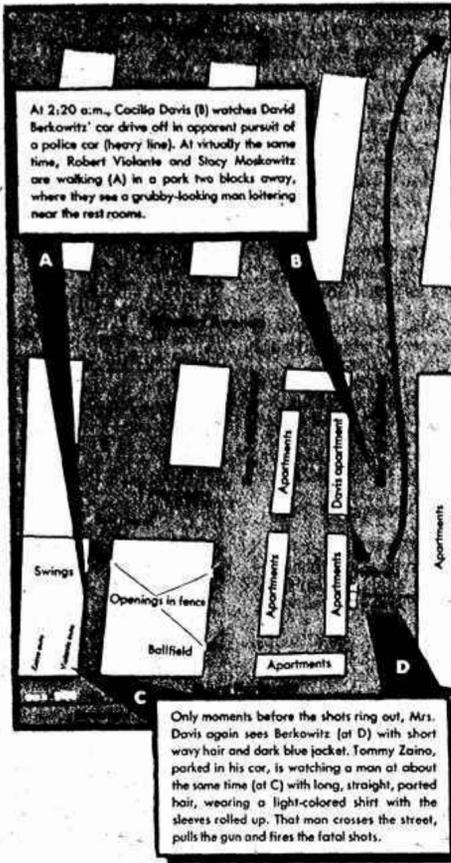
Questioned extensively during the interview about possible accomplices, Berkowitz said for the first time that others could go to jail if he told all he knew about the .44-Caliber case. "There's a good possibility (of other arrests and convictions)," Berkowitz said, "and I don't want that to happen." He refused to elaborate.

Similarly, in an earlier discussion with a psychiatrist of that night in Brooklyn, Berkowitz said, "We had to make a sweep, a sweep of the whole area." But he refused to amplify that statement when the doctor pressed him on the use of "we."

A source in Kings County Hospital, where Berkowitz was held before his guilty pleas, says that Berkowitz openly discussed many aspects of the Son of Sam case, but consistently refused to answer questions about the possible presence of a second person on the Brooklyn scene.

Nevertheless, statements by Berkowitz and the witnesses strengthen that likelihood, Berkowitz says he never left the scene. Mrs. Davis says he did. He says he was the man Violante saw in the playground. According to the witnesses and the timing of their actions, and his, he was not that man.

According to court documents, police sources and statements made in the four-hour interview, Berkowitz says he watched the police ticket his car on Bay 17th Street, two blocks and a walk of at least two and one half minutes from the playground and Violante car. The time



on the ticket was 2:05 a.m. He says he waited as the policemen drove off, then watched as the policemen returned, inspected his car again and left for a second time.

After the policemen left for the second time, Berkowitz says he removed the ticket from the windshield, put it on the front seat, returned to the playground and watched Violante and Miss Moskowitz on the swings. He says he sat on a bench, watched them return to their car, and waited 10 minutes before approaching the car and shooting them. Based on a call to the 911 emergency telephone number, the time of the shooting was set at 2:35 a.m. or slightly before by Brooklyn detectives, 30 minutes after Berkowitz' car was ticketed.

Based on the witnesses' reports, Berkowitz' account of his movements is false from the time he removed the ticket from his windshield. This is the sequence of events as depicted by their accounts.

**2:05 to 2:15 a.m.**  
Patrolman Michael Cataneo, on motor patrol with fellow officer Jeffrey Logan, has turned off Shore Parkway two blocks from the Violante auto onto Bay 17th Street, a quiet, one-way avenue of garden apartment buildings. They drive about half a block and see Berkowitz' cream-colored Ford Galaxie parked slightly behind a fire hydrant in front of 290 Bay 17th Street. Berkowitz, probably in a courtyard between the buildings, watches as Cataneo writes the ticket, placing the 2:05 time designation on it, and drives off with his partner. The policemen then circle the block and return to Bay 17th Street, apparently having decided to ticket double-parked cars that are about 150 feet in front of the Berkowitz auto. But before they do so, they stop and inspect Berkowitz' car again. Berkowitz says that he saw these actions and that the policemen examined his car for "about 10 minutes" on their second run through Bay 17th Street.

**2:15 to 2:20 a.m.**  
Cecilia Davis, returning from a night out with a friend, is riding in the passenger's seat as his car turns off Shore Parkway onto Bay 17th Street and slows while they look for a parking space. They think initially that they can squeeze into the spot in front of Berkowitz' Galaxie but, seeing the ticket on his windshield and the nearness of the hydrant, they continue up the block and triple-park in front of Mrs. Davis' apartment, blocking the road. Their car is now between Berkowitz' Galaxie and the police car, which has moved up the street.

While they talk, Mrs. Davis is aware that their car is blocking the road and she keeps an eye on the street behind them. She sees a young man emerge from a courtyard, lean across the Ford's windshield and, like any motorist preparing to drive off, remove the parking ticket. The man opens the driver's door and leans on it, watching intently as Patrolman Cataneo writes the second and third tickets for cars on the block that night. Cataneo climbs back into his cruiser.

Mrs. Davis, meanwhile, has invited her companion into the apartment for coffee. He declines, looking at his watch and pointing out that it is already 2:20 a.m.

As the policemen start to drive off, the young man enters his car and drives up quickly behind the car in which Mrs. Davis is sitting. He blares his horn to get by. Mrs. Davis gets out and walks between her friend's car and the Ford. Her friend drives away and Mrs. Davis stands there, looking at the profile of the young driver as he drives off after the police cruiser. The Galaxie follows the policemen across Cropsey Avenue, up Bay 17th Street to Bath Avenue, where both vehicles turn right. Mrs. Davis enters her apartment.

**2:20 a.m. to approximately 2:33 a.m.**  
At about this same time but two blocks away, Stacy Moskowitz and Robert Violante cross the Belt Parkway on a footbridge after a walk along the waters of Gravesend Bay. They enter the neighborhood park, walking a path that separates a ballfield and a small playground. Leaning against a rest room building toward the end of the path is a young man Violante now describes as a "weird, grubby-looking hippie type. His hair was all messed up—not down to his shoulders like a hippie's but fairly long and real messy. He was wearing either a jacket or shirt with a T-shirt underneath. His sleeves were rolled up. It was dark. Two of the park lights were out and he was in the shadows."  
"Stacy was nervous about seeing the guy and she was concerned about the Son of Sam thing, and so was I," Violante recalls.

He and Miss Moskowitz nevertheless enter the playground and ride on the swings "for about five minutes." Violante says, before returning to his car on Shore Parkway at about 2:25, a time Zaino, who saw them, concurs with.

Mrs. Davis, meanwhile, has leashed Snowball in the apartment and prepares to take him for a walk. Because neighbors' guests are leaving and the dog sometimes barks at strangers, she delays her exit. When the guests have driven off, Mrs. Davis begins her walk. It takes her down Bay 17th, where she notices the vacated parking space near the hydrant, to Shore Parkway and right

along Shore Parkway to the overpass used minutes earlier by Violante and Miss Moskowitz.

At the overpass, Mrs. Davis unleashes the dog and lets him scamper in the grass for a short time before releasing him and heading for home. The round-trip walk with the dog, estimated to have begun at 2:22 to 2:23, takes a minimum of 10 minutes.

**About 2:33 a.m.**  
Back in front of her apartment, Mrs. Davis finds her dog wants to walk some more so she reverses her direction, heading back on Bay 17th Street toward Shore Parkway. About 100 feet from her apartment she sees a familiar-looking young man "leaping the curb" and emerging from behind a tree onto the sidewalk, as if coming from the opposite side of the street, the side farthest from the playground. Berkowitz was apparently just returning from following the police car. She thinks he may be the young man whose auto had been ticketed.

Mrs. Davis sees the young man wearing a dark blue jacket, opened, with the sleeves rolled down. He has "neat, short, wavy hair." His right arm held stiffly at his side, he passes within five feet of Mrs. Davis and turns left into a courtyard. From the rear Mrs. Davis sees something "metallic" up his right sleeve, a radio, a crowbar, perhaps a gun. "I got a little frightened and hurried back to the house."

Mrs. Davis returns to her apartment, unleashes the dog, sits at her dining room table and opens a tabloid newspaper. She hears the gunshots and a car horn as Violante collapses onto the steering wheel.

When Mrs. Davis re-enacted her movements from the moment she saw Berkowitz for the last time until she heard the shots, a stopwatch clocked her at one minute and 10 seconds. "She barely got inside the door," says Detective Strano. That timing suggests that Berkowitz had insufficient time even to reach the shooting site let alone change his appearance.

While Mrs. Davis is still apparently on the street, Tommy Zaino is parked in his Corvette on Shore Parkway directly in front of Violante's car. At a brisk pace, the walk takes at least two and one half minutes from the spot where Mrs. Davis saw the short-haired Berkowitz in a dark blue jacket and Qiana shirt tucked into his trousers. Talking with his date, he looks past her, to the edge of the park, where he sees a man with long, straight, parted hair. The man is dressed in a light gray or white uniform-style shirt, sleeves rolled up, 4ails hanging out over denim trousers.

"I thought he might be just someone out with a dog or something. He stood there looking at the cars, and then up and down the street. I got a good look at him. There was a lot of light."

Zaino says that after turning away from his observations of the man, he next looked into his rearview mirror and saw the man walk slowly across Shore Parkway toward Violante's car, pull the gun from beneath his shirt, crouch and fire. The killer, says Zaino, then "ran like hell into the park and disappeared. I never saw a guy run that fast."

At the opposite side of the park at least two witnesses

see a man enter a yellow Volkswagen and flee the scene. Berkowitz' white Ford, with black vinyl roof, is parked two blocks in another direction.

After the fatal shots were fired, rousing a woman from sleep nearby, she woke her husband, expressed a fear that Son of Sam had struck again, and then dialed the police emergency 911 number.

When the call was answered, a computer assigned the time. It was 2:36 a.m.

During the week after the shooting, police apparently tried to balance Zaino's description of the long-haired killer with Mrs. Davis' description of the man on Bay 17 Street. "I told them the man I saw had a belly, and was heavy in front," she says. "They told me he looked that way because he stuffed the wig in his shirt."

Then-Chief of Detectives John Keenan said he believed Son of Sam had been wearing wigs all the long.

But after Berkowitz' arrest, when it was determined no wigs were worn, Zaino says the police suggested to him that "maybe Berkowitz doused his head with water to make his hair look long and straight."

The timed re-enactment shows that if Mrs. Davis began her walk at a couple of minutes after 2:20 a.m. — and her recollections, the parking ticket, all the actions of the principals, and her companion's watch support the likelihood that she did — then she could not have crossed paths with Berkowitz on foot before 2:32 or 2:33 at the earliest, given the distance walked and her letting the dog loose for a short time. In fact, a later time would be more likely.

Whatever the case, Berkowitz, based on the re-enactment, would not have had time to travel the distance to the playground, remove his jacket, take his shirt out of his trousers, roll up his sleeves, don a non-existent wig and stand looking at the cars "for a short period of time" before then approaching the Violante car to fire the shots at 2:35 or slightly before, or 70 seconds after Mrs. Davis saw him two blocks and more than 2½ minutes away.

This is in addition to his leaving the scene when he said he did not, Mrs. Davis says, and also being away from the area at the same time he says he was the man Violante saw in the playground at about 2:20 a.m.

Several police sources in New York City, who asked that their names be withheld, concede that Berkowitz may not have been alone at the Moskowitz murder and that they "cannot realistically explain or answer" the number of contradictions surrounding the events of that night, according to one investigator.

"He could have been the lookout," said one homicide detective, whose theory was supported by two other homicide officers. "He may have been hanging out between the buildings on Bay 17 and saw the cops come back twice and figured he'd follow to make sure they cleared the area and wouldn't come back a third time. Then he came back and signalled the guy in the park who did the hit," the detective offered. "I find it tough to believe he'd be banging his horn and following cop cars if he had the .44 in his possession. He wasn't worried about calling attention to himself."

The Gannett investigation of the Son of Sam case is continuing.

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