

# 44-Caliber Suspect Refuses to Acknowledge Name

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By MARCIA CHAMBERS

David R. Berkowitz, who is accused of being the .44-caliber killer, refused to admit to his name at his arraignment yesterday on three murder charges in the Bronx.

In his third and final arraignment, as in his other arraignments on murder charges in Queens and Brooklyn, pleas of not guilty were entered for him by his attorneys. He has now formally been accused of killing six young people and wounding seven more in the three counties during a yearlong shooting spree.

The 24-year-old former mail clerk, wearing blue pajamas, a blue bathrobe and slippers, was brought into a makeshift courtroom on the sixth floor of the psychiatric ward at Kings County Hospital in Brooklyn at 11:17 A.M. and led to a table draped with a white sheet at which Justice Alexander Chananau of State Supreme Court was seated.

At the opening of the eight-minute proceedings, William J. Rinn, the court clerk, began with a routine question: "You are David Berkowitz?"

"No, your honor, I'm not." Mr. Berkowitz replied. In two previous arraignments, he responded to his name.

As he spoke in a soft voice, Mr. Berkowitz's eyes did not meet Justice Chananau's but seemed to shift beyond him, to the barred and mesh windows.

Before Mr. Rinn or Justice Chananau

could ask Mr. Berkowitz another question, Mark Jay Heller, one of Mr. Berkowitz's attorneys, moved in front of Leon Stern, another attorney, and said: "At this time, I request that the defendant stand mute." Mr. Heller asked that all questions be put to the lawyers, and Mr. Berkowitz remained silent. Later, Mr. Heller said as he left the hospital that Mr. Berkowitz's response to identifying himself was totally unexpected.

Earlier, when Mr. Heller ordered Mr. Berkowitz to remain silent, Mr. Stern, and his associate, Ira Jultak, looked stunned.

For the first time, Mr. Berkowitz, who has undergone psychological, medical and brain tests since his arrival at the hospital two weeks ago, appeared rigid. His blue eyes were intense and glassy, and he squinted. He shifted his vision constantly, from the windows, to the ceiling, to a document held by Mario Merola, the Bronx District Attorney, who stood next to him. Occasionally, the man the police accuse of being the "Son of Sam" swayed.

Officials at Kings County Hospital have refused to say whether Mr. Berkowitz is taking medication, including tranquilizers. Other sources said yesterday he had been medicated.

Unlike his other arraignments, where he was hankcuffed, Mr. Berkowitz yesterday wore no handcuffs, and his

arms hung loosely at his side. He seemed not to be listening as Mr. Stern entered pleas of not guilty to the murders of Donna Lauria, 18, Valentine Suriani, 18, Alexander Esau, 19, and the attempted murder of Jody Valente, 19. The Bronx is where Mr. Berkowitz was raised and where the killings first began, with Miss Lauria's death, on July 29, 1976.

After the arraignment, Mr. Merola hinted to reporters on the hospital steps that perhaps Mr. Berkowitz's behavior in court was a ploy, an assertion the defense denied. The Bronx District Attorney as well as his counterparts in Brooklyn and Queens believe Mr. Berkowitz is mentally competent to stand trial, that is, that he understands the charges against him and can assist in his defense.

On Tuesday, psychiatrists at Kings County Hospital will submit their findings on Mr. Berkowitz's competency to a Brooklyn State Supreme Court Justice.