

Local

Court challenge looms on competency report

Continued from page 1

Son of Sam

How others fared

By STEVEN CLARK Staff Writer

If David Berkowitz, the man accused as the .44 caliber killer who terrorized New York City for more than a year, is ultimately declared incompetent to stand trial he will be an exception rather than the rule. In few cases as well-publicized as the Son of Sam killings, has the defendant been considered unfit to stand trial.

On Sept. 6, 1969, a placid, bespectacled 28-year-old man with a German Lugger in his hand suddenly went berserk in Camden, N.J., shooting and killing 13 people within 12 minutes. Howard Unruh, who was studying to be a pharmacist, was deemed incompetent and remanded to the New Jersey State Hospital in Trenton. He is still at the hospital.

George Metesky, a disgruntled employe for Consolidated Edison, tried to gain some measure of revenge for whatever slights had been directed at him by the utility by setting off a number of homemade bombs in New York City. "The Mad Bomber," as he was called, set off a series of explosions in such places as Radio City Music Hall and Grand Central Station resulting in several injuries but no deaths before his arrest in the early 1950s. Considered a "homicidal psychopath" by psychiatrists he never stood trial and was kept in a state hospital until his release in 1973.

Most famous apprehensions did result in jury trials. Charles Manson, the convicted murderer of seven persons in two separate incidents in Hollywood in 1969, is serving a life sentence. Perry Smith and Richard Hickock, convicted of killing the Clutter family in Kansas and immortalized by the book "In Cold Blood," were executed for their deeds. Richard Speck is still in a Chicago prison for the slaying of eight student nurses in 1966. Charles Starkweather, the killer of 11 persons and the inspiration for the movie "Badlands," was executed in 1958. Albert DeSalvo, alias the Boston Strangler, was stabbed to death in prison after committing at least 13 murders in Boston from 1962 to 1964. Harry Thaw, who killed famous architect Sanford White in 1906 at Madison Square Garden in a jealous rage over Evelyn Nesbitt, as chronicled in "Ragtime," was declared not guilty by reason of insanity after a trial. He was put in Mattewan State Hospital for several years until he escaped, was re-captured and then eventually released.

A final decision on whether Berkowitz is fit to stand trial will not be determined until at least October 4, when a second set of hearings are scheduled. By then psychiatrists, chosen by the defense and prosecution, will examine the Son of Sam suspect and write additional reports on his competency.

Victim's father talks

By KARIN LIPOSON Staff Writer

Robert Violante, who's battling for his eyesight, thinks an insanity plea for suspected .44-caliber killer David Berkowitz is "only a cop-out, to get off the hook," according to Violante's father.

His face etched with weariness, Pat Violante spoke Tuesday of his own and his son's "disappointment" at the psychiatric report that, hours earlier, had found Berkowitz mentally unfit to stand trial.

Robert, 20, was shot and nearly blinded on July 30, in the "Son of Sam" dual attack in which his date, Stacy Moskowitz, lost her life.

"He's as sane as anybody else," said the slender, graying Pat Violante of the man who allegedly killed six persons and wounded seven others, including his son.

"The tactics he used were not an insane person's tactics... it was planned," he said of the string of attacks.

"He should be put away for the rest of his life and have all the time in the world to think of the people he killed," said Violante, the calm, patient tones of his voice contrasting with the emotion on his face.

Speaking of the "innocent children" who were assaulted in the year-long shooting spree, Violante acknowledged he felt, "cheated" by the psychiatric report that was revealed in court Tuesday.

"I have a lot of faith in the law — but if he is able to get away with this tactic, I'll just change my ideals."

Both Brooklyn District Attorney Eugene Gold and Berkowitz' lawyers have asked for additional psychiatrists to examine Berkowitz. Justice Gerald Held, at Tuesday's court appearance, approved the requests and set Oct. 4 as the date on which the new psychiatric reports will be presented.

After the court hearing, Berkowitz was returned to the psychiatric prison ward of Kings County Hospital — just a few buildings from the hospital's intensive care unit, where young Violante is recovering.

His son, said Pat Violante, will be in the hospital for an indeterminate length of time, while doctors wait to see whether he will ever be able to discern more than light and shadow.

Meanwhile, he spends his days "just waiting for us to bring him food and goodies," said his father, who had brought two "Brown Bag" lunches into Robert's hospital room a short time earlier.

Asked whether his son listens to news reports on the radio, Violante responded, "he's into listening to his tapes — (jazz guitarist) George Benson and soft soul. He finds more consolation in that than listening to the news."

Bob Violante has made no definite plans for his life after he leaves the hospital, said his father, other than "hurrying up to get better and get back into circulation. It's going to take time for him to get himself together."

"Mentally, though, he's up to facing everything," he added.

Pat Violante and his family keep a vigil around Bob, who was shot in Son of Sam's last attack.

"I spend most of my days and nights here," said Violante, fatigue slowing his words. "At night, the whole family comes."

Then, the interview over, reporters and photographers deserted the hospital, leaving Pat Violante a lone figure sitting on a hospital bench.

The indictments against him will then be renewed annually to determine if he is competent to stand trial.

An appeal by Brooklyn Dist. Atty. Eugene Gold to Supreme Court Justice Gerald S. Held for the right to appoint his own psychiatrists was granted, as was a request by Berkowitz' attorneys to appoint their own psychiatrists. The second hearing was scheduled for Oct. 4.

The report by Dr. Daniel Schwartz, director of forensic psychiatry at Kings County Hospital, and his colleague, Dr. Richard L. Weidenbacher, concluded that Berkowitz lacks the capacity to understand the charges against him and the ability to assist in his own defense. This precisely meets the state's criterion for mental incompetence.

The report said Berkowitz had been observed by Schwartz and Weidenbacher for 11 hours during six separate sessions at Kings County Hospital.

"My judgment as district attorney is that he is competent," said Gold, after the hearing was adjourned. Gold added, "I expect that after all the evidence is presented, the defendant will be found competent," but he did not elaborate.

Gold said Dr. David Abrahamson, former director of scientific research at Ossining Correctional Facility, had been appointed by him to examine the defendant.

One of Berkowitz' defense attorneys said he had "mixed feelings" about the outcome. Mark Heller, appointed by a relative of Berkowitz, said that the report "is not conclusive at this time."

Ira Jutak, one of the attorneys appointed by Nat Berkowitz, David's father, said he believed the report was conclusive and that he wasn't surprised by the findings. His law associate, Leon Stern, perturbed by Heller's comments, said, "He (Heller) doesn't know what the hell he's talking about."

Berkowitz, present at the hearing, wore a gray checkered jacket, vest, dark pants and a blue wrinkled shirt. Except for occasional nods to Heller, he was expressionless.

The psychiatrists' conclusions were reached after sifting through material from the Brooklyn, Bronx and Queens district attorneys, police photos, material from Berkowitz' apartment and automobile, letters to New York Police Capt. Michael Borrelli and newspaper columnist Jimmy Breslin, and seven letters to Nat Berkowitz, sent while Berkowitz was in the army in Korea.

An electroencephalogram, skull X-rays and a brain scan were taken and said to be within normal limits. The contents of the actual report, however, were sealed by the court.

Judge Held told the press corps that the report, hand-delivered Monday by Schwartz, had been sealed and left in a vault until he personally brought it into the courtroom.

"No one in the court, as far as I know, knows what the report contains," he said. There had been news reports Monday night that the psychiatrists had judged Berkowitz as competent to stand trial.

Co-workers ready to say 'Sam' is sane

Continued from page 1

"He didn't get 100 percent," said the administrator, who did not want to be identified. He acknowledged, however, that Berkowitz scored above 95 percent, which is the passing grade.

For the scheme test, mail sorters are expected to know the numbered route of every address within their postal zone.

Luther Lloyd, a postal worker who trained with Berkowitz on an intricate zipmetric mail translator (ZMT) machine, agrees with Gendelman.

"I think he should be tried," said Lloyd. "You can't be a ZMT operator and be crazy."

Obituaries

Agostino Laverde

Agostino Laverde, 86, of Yonkers, died Monday at Yonkers General Hospital after a brief illness.

Born July 1, 1893, in Apicche, Italy, he came to this country in 1917. He lived in Yonkers for the past 57 years, and was a communicant of Our Lady of Mount Carmel-St. Anthony Church.

In 1920, he returned to Italy to marry Adelina Politano, who survives.

For 38 years, he worked as a hod carrier for local construction companies, before retiring in 1955.

He is survived by his wife, three sons, Peter, of Yonkers, and Anthony and Agostino Jr., both of Peekskill; and a daughter, Mrs. Ted (Josephine) Mezo of Yonkers. Twelve grandchildren and three great-grandchildren also survive.

A funeral mass will be celebrated Thursday at 11 a.m. at Our Lady of Mount Carmel Church before interment at Mount Hope Cemetery. Visitations can be made at the Sinatra Funeral Home at 315 S. Broadway on Wednesday from 2-4 p.m. and from 7-9 p.m.

Libertino Cerrone

Libertino (Ben) Cerrone, 80, of the Bronx, father of George J. Cerrone of 86 Harding Dr., New Rochelle, died Saturday at Pelham Bay General Hospital. His death came only three-and-a-half weeks after his wife, the former Mary Vallachi, died.

Surviving in addition to his son in New Rochelle, who is a retired New York City Police Chief, are another son, Michael W. of Parkchester, a retired Fire Chief of New York City, and a daughter, Mrs. Bernard (Mary) McAvoy of Parkchester, a teacher at St. Raymond School. Also surviving are a sister, Mrs. Beatrice Biscardi of Yonkers; seven grandchildren and two great-grandchildren.

Adele Mary Wright

Adele Mary Wright, 64, a former resident of Mount Vernon and New Rochelle, died Monday at her home, 1040 E. 228 St., the Bronx. She had moved there only three months ago from Mount Vernon, where she had lived 15 years.

Surviving in addition to her mother in Mount Vernon, are four children, John Merritt of the Bronx, Thomas Watkins of Queens, Mrs. Lelia Trent of the home address and Mrs. Joyce Jones of Yonkers. Also surviving are two brothers, Joseph and James Merritt, both of Mount Vernon; a sister, Mrs. Lelia Mae McCoy of New York City, 10 grandchildren and two great-grandchildren.

Mary Donigan

Mary K. Donigan, 72, of 96 Broadway, Verplanck, died Monday at Jacobi Hospital, the Bronx.

Surviving are her husband, Lawrence, of the home address; two sons, Charles of Franklin Avenue, Croton, and Thomas of the home address; two daughters, Mary Donigan of Granite Springs, N.Y., and Mrs. Matthew (Betty) Cook of Amberlands, Croton; two sisters, Mrs. Kathleen Hogan of Riverdale and Mrs. Lilly Sheridan of Ireland and six grandchildren.

Howard E. Zoeller

Howard E. Zoeller, 78, a Yonkers firefighter for 25 years who was injured in a fire in 1943 on Warburton Avenue, died Monday.

Born Dec. 25, 1898, he was a lifelong resident of Yonkers and was educated in Yonkers schools.

He retired from the Yonkers Fire Department under disability in 1943 after the Warburton Avenue fire that killed two young firefighters.

He was a member of the Hawthorne Lodge of Masons. He is survived by his wife, the former Lillian Gray, and a sister, Mrs. Ruth Heiney of St. Petersburg, Fla.

The body will repose Tuesday and Wednesday, 2 to 4 and 7 to 9 p.m., with services to be held at 10 a.m. Thursday at the Joseph G. Phillips Funeral Home, followed by interment at Oakland Cemetery.

Walter J. Connor

Walter J. Connor, 73, formerly of Yonkers, died Wednesday at Putnam Community Hospital in Carmel.

Born Feb. 7, 1904, he worked in the tool department of the Ward Leonard Electric Co. in Mount Vernon until he retired a few years ago.

At the time of his death, he was residing in Poughquag, N.Y., with his wife, the former Elizabeth G. Mimmerly, who survives him.

He is also survived by four sons, Charles King of Mahopac, William King of Shrub Oak, Dexter Bunte of Nyack and Walter R. Connor of Poughquag; a daughter, Betty Ann Horvath, of Bethlehem, Penn.; a sister, Mrs. Irene Cook of Yonkers; and ten grandchildren.

The body will be in repose at the Horn and Thomas Funeral Home in Paulding, N.Y. Wednesday and Thursday. Services will be at the funeral home 11 a.m. Friday, followed by interment at Beekman Cemetery in Poughquag.

Gertrude Campbell

Gertrude Campbell, 70, a retired administrative assistant for Consolidated Edison, died Tuesday at Lawrence Hospital in Bronxville, after a long illness.

Born July 27, 1907 in Bronxville, Miss Campbell was a resident of Eastchester for more than 50 years. She was employed by Consolidated Edison for 35 years having retired in 1970. She was a graduate of New York City schools and was a parishioner of the Immaculate Conception Church in Tuckahoe.

Miss Campbell is survived by her niece Anna (Campbell) Jackson of New Rochelle.

Visitation can be made Wednesday 7 to 9 p.m. and Thursday 2 to 4 p.m. and 7 to 9 p.m. at the Fred H. McGrath Funeral Home, 20 Cedar St., Bronxville. Services will be held Friday at 10 a.m. at the Immaculate Conception Church prior to interment at Holy Mount Cemetery in Eastchester.

Nicola Poccia

Nicola Poccia, 84, a resident of Yonkers for 55 years, died Tuesday at St. John's Riverside Hospital after a brief illness.

Born Dec. 5, 1892 in Caserta, Italy, Mr. Poccia worked as a furrier in New York City until his retirement in 1962.

He was a member of the Columbus League in New York City and a communicant of Mt. Carmel Church.

He is survived by his wife, the former Teodista Morone, whom he married in Caserta in 1955 and a daughter, Michelina Poccia of Yonkers.

The body is reposing at the Sinatra Funeral Home today from 2-4 and 7-9 p.m. Services will be Thursday at 10 a.m., followed by interment at St. Joseph's Cemetery.

Jules Albert

Jules Albert, 76, a 60-year Yonkers resident, died Monday in Panorama City, Calif. after a long illness.

Born 1901 in Yonkers, Mr. Albert owned a wholesale fruit market on School St. Prior to his retirement, he was employed by Reife's Pharmacy on South Broadway.

Surviving are his wife Gladys; two daughters, Ruth Gorham and Sue Hartman, both of California; and two grandchildren.

ADAM, T. Holland O.D.S. August 30, 1977. Dear husband of the late Gladys Adams. Father of Bradford Reposing at the Yonkers General Hospital. Services will be held Friday at 11 a.m. Calling hours 2-4 p.m. Thursday. Interment: MIDDLETOWN PATENT CEMETERY.

BOYAN, Anna M. on August 29, 1977. Beloved wife of the late James J. Boyan, Jr. Mother of Sr. Mary Boyan O.S.U. and James J. Boyan, III. Also four grandchildren. Reposing at the LLOYD MAXCY BEAUCHAMP CHAPELS, Shea Pl., New Rochelle. Mass of Christian Burial, Blessed Sacrament Church, Thursday 10 A.M. Interment Holy Sepulchre Cemetery. Visiting hours 2-5 and 7-9 P.M.

BUETI, Michael of Kisco Park, Mt. Kisco, on August 31, 1977. Beloved husband of the late Francesca. Devoted father of Rocco, Serafino, and Salvatore. Dear loving brother of Francesca Buetti, Josephine Buetti, and Grazia Cambarelli. Reposing at the LLOYD MAXCY BEAUCHAMP CHAPELS, Shea Pl., New Rochelle. Mass of Christian Burial, Blessed Sacrament Church, Thursday 10 A.M. Interment Holy Sepulchre Cemetery. Visiting hours 2-5 and 7-9 P.M.

BURKE, Anna M. on August 30, 1977 at Phelps Memorial Hospital. Survived by three sons, one daughter, one sister, three grandchildren, seven great grandchildren. Interment at the DOORSEY FUNERAL HOME INC. 14 Elmwood Place, Ossining N.Y. Visiting hours 2-4 p.m. and 7-9 p.m. where services will be held Friday 11 a.m. Rev. Wilbert Bradley officiating. Interment Dale Cemetery.

BUETTNER, Edward Hawthorne, N.Y. on August 30, 1977. Husband of Catherine Mandel Buettner. Mass of Christian Burial Fri. 10:30 A.M. Holy Rosary. Church of St. Ignace. Interment Gate of Heaven Cemetery. Resting at BECHER FUNERAL HOME, 1450 Eastchester Road, where the family will receive friends Wed. 7-9 P.M. and Thurs. 2-4 and 7-9 P.M.

CAMPBELL, Gertrude L. of Eastchester on August 10, 1977. Beloved daughter of the late John and Harriet Herrick Campbell. Dear niece of Anna Campbell Jackson. The family will be present at the Fred H. McGrath Funeral Home, 20 Cedar St., Bronxville from 2 P.M. until 9 P.M., and 7 P.M. until 9 P.M. Wednesday and Thursday. Mass of Christian Burial at the Immaculate Conception Church, Tuckahoe on Friday, Sept. 7, 10 A.M.

CAMPBELL, Gertrude L. of Eastchester on August 10, 1977. Beloved daughter of the late John and Harriet Herrick Campbell. Dear niece of Anna Campbell Jackson. The family will be present at the Fred H. McGrath Funeral Home, 20 Cedar St., Bronxville from 2 P.M. until 9 P.M., and 7 P.M. until 9 P.M. Wednesday and Thursday. Mass of Christian Burial at the Immaculate Conception Church, Tuckahoe on Friday, Sept. 7, 10 A.M.

CARRIE, Stanley "Pops" 80 years of age. Passed away on August 29, 1977. There are no known survivors. Masonic funeral services will be held at the RODELLE FUNERAL HOME, 23 Brook St. Interment Beechwoods Cemetery.

DAVIDSON, George Garfield on Tuesday, August 30, 1977. There are no known survivors. Masonic funeral services will be held at the RODELLE FUNERAL HOME, 23 Brook St. Interment Beechwoods Cemetery.

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PIAZZA, Peter on Aug. 29, 1977. Beloved husband of Maria. Devoted father of Sylvia Divito and Victoria. Also survived by Grandchildren and 7 great-grandchildren. Mass of Christian Burial at St. Ursula's Church, Thurs. 10 A.M. Interment Holy Sepulchre Cemetery. Reposing at the YANNANUJON FUNERAL HOME, INC. Visiting hours 2-5 and 7-9 P.M.

POCCIA, Nicola on Tues. August 30, 1977. Husband of Teodista (Morone) Poccia. Father of Michelina Poccia. Also survived by a nephew, Joseph Poccia and a niece, Rosa Poccia Barbieri. Reposing SINATRA FUNERAL HOME, INC. 315 So. Broadway. General Burial 9:30 a.m. Mass of Christian Burial at Mt. Carmel Church 10 a.m. Interment St. Joseph's Cemetery. Visiting hours 2-5 and 7-9 P.M.

SHEEHAN, David W. on August 29, 1977. Beloved husband of Victoria. Devoted father of Mrs. Karen Rowell, Mrs. Roseann Jenkins, Rev. Fr. Thomas Sheehan, and John Sheehan. Reposing at the McMAHON LYON & HARTNETT FUNERAL HOME, 91 Westchester Ave., White Plains, Mass. of Christian Burial, Thursday 10 A.M., St. Bernard's Church, Yonkers. Interment Holy Sepulchre Cemetery. Visiting hours 2-4 and 7-9 P.M.

SOCKOLOP, David R. on August 30, 1977. Formerly of New Rochelle, son of Frank and Sally Sockolop. Service on Thursday at 11:15 at Westchester Riverside, 11 West Broadway, Ft. Lee, N.J.

VELARDO, Peter on August 29, 1977 at Phelps Memorial Hospital. Survived by three sons, three daughters, ten grandchildren, seven great grandchildren. Reposing at the DOORSEY FUNERAL HOME, INC. 14 Elmwood Pl., Ossining N.Y. Wednesday 2-4 p.m., Thursday 7-9 p.m. Funeral Mass Thursday 10 a.m. St. Augustine's Church, Interment St. Augustine's Cemetery.

WRIGHT, Adele M. of 1040 East 228th St. The Bronx. Reposing at the Barney T. McClanahan Funeral Home, 83 Westchester Ave., New Rochelle. Visiting hours today 7-9 p.m. Thursday 10 a.m. 5 p.m. and 7-9 p.m. Friday 10 a.m. 5 p.m. Funeral Home. Rev. Roy L. Thompson officiating. Interment Beechwoods Cemetery. Family to receive friends at Funeral Home Thursday 7-9 p.m.

YAKMAN, Ernest J. of Yonkers. N.Y. on August 30, 1977. Beloved husband of Frances (Kovac) Yakman. Father of Stephen Yakman, John Yakman, Robert Yakman, Joseph (Olga) Yakman. Reposing at WHALEN FUNERAL HOME, INC. 168 Park Ave., Yonkers. Interment Holy Sepulchre Cemetery. Family to receive friends at Funeral Home Thursday 7-9 p.m.

ZOELLER, Howard E. of Yonkers. N.Y. on August 29, 1977. Beloved husband of Lillian (Cora) Zoeller. Loving brother of Mrs. Ruth Heiney of St. Petersburg, Fla. Reposing at the JOSEPH G. PHILLIPS FUNERAL HOME, INC. 30 Ludlow St. Funeral services on Thursday, August 30, 10 A.M. Interment Oakland Cemetery.

CARD OF THANKS  
GILMER, Thomas Marshall-The family wishes to express their thanks and gratitude for the kindness and concern shown them during their bereavement.  
The Robinson Family

IN MEMORIAM  
LINDERT, Anais M.  
Always in our hearts and prayers  
You'll never be forgotten  
Husband, Children & Grandchildren

MC MULTY, Mary  
3rd Anniversary  
We who love her so dearly miss you,  
As it draws another year,  
In our lonely hours of thinking  
Thoughts of you are ever there,  
Daughter Rene & Danny

SCHREINER  
3th Anniversary  
In loving memory of my dear friend, Miss you  
Love You

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LOUIS J. FOTI JR.  
WE WISH TO EXPRESS OUR HEARTfelt THANKS TO OUR MANY  
FRIENDS, NEIGHBORS AND RELATIVES, FOR THE ACTS OF  
KINDNESS AND COMPASSION EXTENDED TO US DURING THE  
LOSS OF OUR BELOVED SON, A SPECIAL THANKS TO WEST-  
CHESTER MEDICAL HOSPITAL I.C.U. DR. ROMAN, NURSES  
GAIL AND CHET, FATHER KOVACK FOR MERLY OF ST. MARY'S,  
THE DUCHYNSKI FUNERAL HOME, AND TO HIS MANY YOUNG  
FRIENDS WHO WERE SO KIND, COMFORTING AND THOUGHTFUL.

THE CUBELLO AND FOTI FAMILIES

WHAT IS YOUR PROOF  
OF YOUR DEVOTION TO  
YOUR FAMILY?  
Savings Account? Life Insurance?  
Will and Testament? Of course! But  
there is one more necessary proof.  
The purchase... in advance of need  
of a family cemetery lot.

Mount Hope Cemetery  
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Hastings-on-Hudson, Westchester Co., N.Y. 10726  
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