

'SON OF SAM' SUSPECT IS FACING TRIAL SOON

Justice to Start the Murder Case if Hearing Next Wednesday Finds Berkowitz Fit

BY MAX H. SEIGEL

A State Supreme Court justice in Brooklyn announced yesterday that jury selection in the trial of David R. Berkowitz for the murder last July 31 of Stacy Moskowitz would start one week from Monday if the suspect were found fit to stand trial.

The fitness hearing, Justice Joseph R. Corso ruled, will take place Wednesday and will be closed to the public and press.

Justice Corso explained that he was granting a motion by the defense lawyers, Leon Stern and Ira Jultak, to hold the competency hearing in private "to insure the defendant a fair and impartial trial, free of emotion, passion and prejudice."

However, to protect the public's right to know, the justice said, if he determined that Mr. Berkowitz, who is accused of being the "Son of Sam" slayer, was not fit to stand trial, he would immediately release a full transcript of the hearing.

Psychiatric Reports Studied

"And if the decision of the court is that the defendant is fit to stand trial," Justice Corso said, he will release a full transcript of the competency hearing as soon as "a jury is selected and sequestered."

The Supreme Court justice disclosed that he had studied all the psychiatric reports involved in determining whether the 25-year-old former postal clerk was competent to stand trial. And none of the testimony at the hearing will be admissible as evidence in the trial, he said.

As a result, Justice Corso added, "no testimony inadmissible at the trial will come to the attention of the jury."

In support of his position, the justice noted that "the alternative of a change of venue would not be efficacious because past publicity and future publicity has been and will be widely disseminated in all corners of the state." Furthermore, he said, "a defense motion for a change of venue has been denied by the Appellate Division..."

Justice Corso also said:

"An adjournment of the trial date to allow public passion and prejudice to subside would be futile. This court would then require another fitness-to-proceed examination and hearing immediately prior to trial to insure that the defendant was aware of the charges and able to assist in his defense at such time. A vicious circle would result and continue ad infinitum."

Both District Attorney Eugene Gold of Brooklyn and the defense lawyers said they were ready to proceed to trial at once. And Mr. Stern said he would stick by his previously announced plans to plead his client not guilty by reason of insanity.

Mr. Berkowitz is being charged with murder in the second degree, attempted murder, assault and possession of a weapon. The charges stem from his alleged attack on Miss Moskowitz and her companion, Robert Violante, while the two were parked in a car near Bay 16th Street and Shore Parkway in Brooklyn.