

## Berkowitz Given 25 Years to Life In Each of 6 'Son of Sam' Slayings

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David R. Berkowitz being sentenced yesterday by Justice Joseph R. Corso

# Berkowitz Given 25 Years to Life In Each of 6 'Son of Sam' Slayings

By MAX H. SEIGEL

David R. Berkowitz was sentenced yesterday to the maximum prison term, 25 years to life, for each of the six "Son of Sam" slayings carried out over a year in which his nighttime forays cast a pall of fear over the young.

The 25-year-old former postal clerk appeared calm and subdued as he entered the same Brooklyn courtroom he had thrown into turmoil three weeks ago with a wild-eyed tirade against his victims and their families. That outburst led to a delay of the sentencing from that day to yesterday.

A spectator, Daniel Carrique, who had briefly interrupted the proceedings three

weeks ago, disrupted them again yesterday when he leaped from his seat in the sixth row and headed for the prisoner, shouting: "You're going to burn in hell. You're going to burn, Berkowitz. I'll get you."

As Mr. Carrique, a friend of the family of Stacy Moskowitz, 20, the .44-caliber killer's last victim, was clambering over benches and spectators to get to the prisoner, half a dozen court officers seized him and carried him, struggling, out of the courtroom. One court officer was kicked in the groin and Mr. Carrique

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was charged with assault and obstructing justice.

While the brief struggle was going on, other court officers rushed Mr. Berkowitz out of the courtroom to the safety of a small anteroom behind it.

"He's such a quiet boy, I can't understand it," said Neysa Moskowitz, Stacy's mother, with whom young Carrique had been sitting.

During the first scheduled sentencing, the same young man had interrupted Justice Joseph R. Corso of the State Supreme Court to protest further delays. "That's no justice," he had called out. "What about the families? How much do you think they can take?"

## 2 Defense Motions Denied

Justice Corso opened the procedure under which three Supreme Court justices from three different counties in the city where the murders had been committed would each sentence the defendant.

The justice heard District Attorney Eugene Gold recommend the maximum sentence. Then Leon Stern, Mr. Berkowitz's lawyer, moved to set aside both his client's guilty plea and the sentencing

on the ground that the defendant "by reason of his mental defects" was incapable of taking part in the procedure.

But Justice Corso denied both motions, quoting a report by two psychiatrists that said, "It is our professional opinion that the defendant is fit to be sentenced."

When Mr. Berkowitz said he had no statement, Justice Corso sentenced him to 25 years to life for the murder of Miss Moskowitz and up to 25 years for the attempted murder of her date, Robert Violante, the sentences to run consecutively.

## 25-Year Terms Imposed

Justice Nicholas Tsoucalas of Queens, who followed Justice Corso on the bench, sentenced Mr. Berkowitz to up to 25 years in prison for wounding Carl Denaro, 20, in Flushing, Queens, last Oct. 23, and to a consecutive sentence of up to 25 years for assault on Mr. Denaro's companion, Rosemary Keenan, who escaped injury. For the attempted murder of Judy Placido, 17, and Salvatore Lupo, 20, in Bayside, Queens, last June 26, Justice Tsoucalas imposed two 25-year terms plus 15 years for assault, all to run consecutively.

Finally, the justice sentenced Mr. Ber-

kowitz to 25 years to life for the murder of Christine Freund, 26; 25 years for the attempted murder of her date, John Diel, who was unhurt, and 25 years to life for the murder of Virginia Voskerichian, 19, on March 8, 1977. All sentences were to run consecutively.

"As is obvious by the sentences of this court," Justice Tsoucalas said, "it is the object of this court that the defendant be incarcerated for the rest of his natural life."

But Justice William Kapelman of the Bronx, who was present to sentence Mr. Berkowitz for three murders and one attempted murder in that borough, said that while the consecutive sentences imposed by the other justices had popular appeal and were permissible, the fact was that they would be "merged" for the purpose of determining how long a prisoner remained in custody before being eligible for parole. As a result, Mr. Berkowitz would be eligible after 25 years—no matter for how long a period he was sentenced.

Therefore, the justice said, "I am imposing maximum sentences to run concurrently with the sentences imposed by the other justices."

Justice Kapelman imposed sentences of 25 years to life for the murder of Valentina Suriani, 18, and Alexander Esau in the Baychester section of the Bronx on April 17, 1977, and for the murder of Donna Lauria, 18, on July 29, 1976. For the attempted murder of Jody Valenti, 19, Miss Lauria's friend, he imposed a sentence of 25 years.

To satisfy his concern over the defendant's competence to stand trial, Justice Kapelman asked Mr. Berkowitz several questions.

"At the time of your taking a plea, you said no force or compulsion was used?"

"It is true," Mr. Berkowitz said.

"Did the demons tell you?"

"No."

"Your decision to enter the plea was your own, without the compulsion of the demons?"

"They had some influence."

"But the ultimate decision was yours?"

"Yes."

"Were you under the power of the demons when you pleaded guilty?"

"No."

"Was the decision to waive the defense

of insanity yours, and yours alone?"

"Not alone."

"But it was yours?"

"Yes."

In imposing sentence, Justice Kapelman was asked to take into account the fact that Mr. Berkowitz had confessed starting a number of fires in the Bronx. The justice noted that there had been no indictment, so he could not impose sentence. But he left open the possibility of taking up the issue at a later date.

After his outburst on May 22, Mr. Berkowitz was dragged from the courtroom and Justice Corso ordered a new psychiatric examination to determine his fitness to be sentenced. The examination was carried out by Drs. Richard Wridenbacher and Daniel Schwartz of the Kings County Medical Center. The two forensic psychiatrists came to the conclusion that the man responsible for the "Son of Sam" slayings was fit for sentencing. No other details were available yesterday.

## Judge for Electric Chair

After the sentencing, Justice Corso disclosed that he would have sent Mr. Berkowitz to the electric chair if that option had been available.

"I think that if we had capital punishment," he said, "it would have been a deterrent to the obviously absolutely senseless killings that come into my courtroom."

Justice Corso noted that while serving as a Democratic State Assemblyman some years ago, he had been a co-sponsor of the bill repealing capital punishment in New York.

"If I were back there today," he said, "I would have supported reinstatement of capital punishment."

Two persons who suffered from the shootings apparently agreed with Justice Corso. "I'm not happy with the sentence," said Donna DiMasi, who was shot in the neck. "I'd rather see him dead."

And Mrs. Moskowitz said: "I think it

is all sick, I want him dead. This whole damn thing is a shame."

Shortly after the sentencing was completed, Mr. Berkowitz was returned to his room at the Kings County Psychiatric Center where authorities were awaiting word from the State Commissioner of Correction on when and where to transfer the prisoner to state custody.

"Normally," a spokesman for the State Department of Correctional Services said, "prisoners are turned over to us at Sing Sing prison in Ossining, but Berkowitz is a special case."

The spokesman said that, for security reasons, there would be no announcement of the transfer until it had been completed. She added that state officials were considering keeping Mr. Berkowitz by himself for his own safety.

"It looks like he faces virtual solitary confinement," the spokesman said.