

STATEMENT TAKEN AT POLICE HEADQUARTERS,
1 POLICE PLAZA, CHIEF OF DETECTIVES CONFERENCE
ROOM, NEW YORK, ON AUGUST 11, 1977, COMMENCING
AT OR ABOUT 3:28 A.M., BY ASSISTANT DISTRICT
ATTORNEY RONALD AIELLO.

PRESENT: Det. James Fox
Shield #2558

Sgt. William Allison
Shield #413
Intelligence

Det. Edward Zigo
Shield #2419
10th Homicide Zone

Assistant District Attorney
Dale Campbell
District Attorney's Office
Kings County

Assistant District Attorney
Martin Brakin
Queens County

Assistant District Attorney
John Tartaglia
Queens County
Det. James Gallagher
Shield #2430
15th Homicide Zone

Martin Shilenski
Council
N.Y.C.P.D.

Det. John Lugo
Shield #3008
8th Homicide Zone

Det. Richard
Shield #913
8th Homicide Zone

Assistant District Attorney
William Quinn
Bronx County

Det. Ronald Marsanisea
Shield #1889
8th Homicide Zone

Assistant District Attorney
James Shaleck
Bronx County

Det. Martin Hopkins
Shield #2217
Queens Homicide Task Force.

John Cirino
Hearing Reporter.

DAVID R. BERKOWITZ QUESTIONED

BY MR. AIELLO:

Q. What is your name?

A. David Berkowitz.

Q. Where do you live, David?

A. 35 Pine Street, Yonkers, New York.

Q. How old are you, David?

A. 24.

Q. David, my name is Ronald Aiello. I'm an Assistant District Attorney with the Brooklyn District Attorney's Office. I'd like to speak to you about an incident that took place on July 31, 1977, at about 2:45 a.m., over in the Bensonhurst section of Brooklyn, Bay 16th Street and Shore Parkway. Before I ask you any questions, David, about that incident, I'd like to advise you of your

Constitutional rights. You have the right to remain silent. Do you understand that?

A. Yes.

Q. If you do decide to tell me anything about the incident or any other incident that we may question you about, whatever you tell us can, and will, be used against you. Do you understand that?

A. Yes.

Q. You have the right to an attorney, do you understand that?

A. Yes.

Q. If you cannot afford an attorney, we will provide you with an attorney free of charge. Do you understand that?

A. Yes.

Q. After advising you of your Constitutional rights, do you wish to speak to me at this time?

A. Yes, okay.

Q. David, on July 31, 1977, where were you living at that time?

A. The Pine Street address.

Q. That's up in Yonkers?

A. Yes.

Q. Who were you living with?

A. Myself.

Q. What kind of premises is that; is that an apartment house or private house?

A. Apartment house.

Q. What apartment were you living in at that time?

A. 7-E.

Q. How long had you been living there?

A. A little over a year.

Q. Do you live with anyone, David?

A. No.

Q. Now, specifically referring to that day, would you tell me where you were during the day and the early evening hours?

A. Early evening, I went out to eat downtown.

Q. Do you recall what restaurant you went to that day, David?

A. It was a diner on 10th Avenue and 31st.

Q. In Manhattan?

A. Yes.

Q. What did you do after you ate, David?

A. I went over to Long Island, Brooklyn.

Q. Do you drive a car?

A. Yes.

Q. What kind of a car?

A. 1970 Ford Galaxie.

Q. What color is it?

A. Yellow.

Q. How long have you had that car?

A. About three years.

Q. Is the car completely yellow?

A. No, a black vinyl roof.

Q. Like a vinyl top?

A. Yeah.

Q. Is that a two door or four door?

A. Four door.

Q. Were you using that car on the 31st?

A. Yes, I was.

Q. Actually, on the 30th, a Saturday?

A. Yes.

Q. Were you with anyone or were you alone when you were having your dinner at 10th Avenue?

A. I was alone.

Q. Where did you go from there, out to Long Island?

A. Yes, Long Island, Brooklyn.

Q. Did you have any purpose in going out on Long Island, just to take a ride?

A. Purposely going out killing somebody.

Q. Did you have anybody in mind at that time, or anyone you might come across?

A. Whoever would just come around, when I was told who to get.

Q. Who told you who to get?

A. Sam Carr.

Q. Who is Sam Carr?

A. My Master.

Q. Where does Sam Live?

A. In Yonkers.

Q. Is Sam the father of Wheat Carr?

A. Yes.

Q. How long have you known Sam, approximately?

A. Probably, well as Sam, I'd say just a little over a year, a year and a half.

Q. Is that his actual name, Sam Carr?

A. That's the name he goes by, yes.

Q. Did you have any discussion with Sam that particular day, about finding someone to kill?

A. I just had my orders.

Q. Do you want to tell me how you got those orders?

A. Yes, he told me through his dog, as he usually does. It's not really a dog, it looks like a dog. It's not. He just gave me an idea where to go. When I got the word, I didn't know who I would go out to kill, but I would know when I saw the right people.

Q. Did you have a location in mind, David?

A. Let's say the area I was in, Bensonhurst, was one of several I rode through.

Q. How did you wind up in Bensonhurst?

A. Just driving around, looking, waiting.

Q. You say you went out to Long Island first, do you recall where, exactly, you went out there?

A. I'd say out to about Huntington and back.

Q. About what time did you reach the Bensonhurst section, do you recall?

A. 2:00, no. Yeah, 2:00, about 2:00.

Q. Did you come back on the Belt Parkway from Long Island?

A. Part of the way, yes.

Q. Did you exactly go to Bensonhurst, because that's where you intended, wanted to go to see if you can find someone?

A. Let's see. I came out almost by Howard Beach and came

across a lot of side streets there.

Q. Did you go looking around in Howard Beach?

A. Yes.

Q. What happened?

A. There was no one there.

Q. Are you familiar with Howard Beach?

A. To an extent, I know some basic roads. --I went through there to Canarsie. I'm trying to remember what Avenue in Canarsie, the area, Avenue that as I came, I came to Bensonhurst.

Q. You went looking through Canarsie too?

A. Yes.

Q. You didn't find anyone and came to Bensonhurst?

A. Yes.

Q. What time did you approximately arrive in Bensonhurst?

A. About 2:00 a.m.

Q. When you arrived, what did you do?

A. I parked my car.

Q. Where did you park?

A. On Bay 17th, between Shore Parkway and Cropsey Avenue.

Q. Are you familiar with that neighborhood?

A. I have been there before.

Q. On what occasion were you there? Were you there recently?

A. I'd say the past week.

Q. Prior to going there that night, you were there?

A. Yes.

Q. What brought you there on that occasion?

A. I had to go and kill somebody, what can I tell you.

Q. So, you got there about 2:00 o'clock and parked your car on Bay 17th Street. Do you recall where you parked your car exactly on the block?

A. Up by a fire hydrant, mid-way between Cropsey and Bay Shore Parkway.

Q. Did you realize that you parked your car by a fire hydrant?

A. ---Yes, I saw the police give me a summons.

Q. How did you see that?

A. I was walking away, I saw a police car coming up Shore Parkway and turn on Bay 17th, going up that street. I had a feeling they would go by my car.

Q. In other words, you were out of your car at that time?

A. Yes.

Q. Where were you walking; toward what?

A. Shore Parkway and Bay 17th.

Q. You were looking up the block?

A. Yes, I saw the policeman give me a summons. Then, they went slowly up the block near Cropsey Avenue and pulled over again. I watched for about ten minutes. They got out of the car, I don't know what they were doing, but I went back to my car. There was a ticket on it.

Q. What were you wearing that night?

A. Blue denim jacket, blue dungarees.

Q. The ones you are wearing now?

A. I don't remember.

Q. And these working shoes? The brown working shoes?

A. Yes.

MR. AIELLO: Let the record indicate Mr. Berkowitz is wearing a brown pair of working shoes. Do you describe them like that, David?

MR. BERKOWITZ: Yes.

BY MR. AIELLO:

Q. What did you have under your denim jacket?

A. A light brown shirt.

Q. When you went back to the car and you noticed the ticket on the car, did you take the ticket off the windshield?

A. Yes.

Q. What did you do with it?

A. Put it inside the car.

Q. Tell me what you did from there?

A. I was still walking around the area, went back to the park, sat down for a while.

Q. You are talking about the park on Shore Parkway?

A. Yes.

Q. When you went into the park, were any people around?

A. Yes, there were a lot of young people on the dead end street. I don't know what street, it was to the entrance of the park. They were hanging around their cars there. They left after awhile.

Q. Where were you sitting; on the bench?

A. Sitting on a bench.

Q. Did you have a weapon on you at that time?

A. Yes.

Q. What weapon?

A. .44 Bulldog.

Q. Was it loaded?

A. Yes.

Q. How many bullets were in the gun?

A. Five.

Q. Then, what did you do, David?

A. I saw that couple, Stacey Moskowitz and her boyfriend. They were by the swings, they went back into the car. I don't know how much time elapsed, maybe ten minutes or so. I walked up to their car.

Q. Did you see where this car was parked?

A. Yes.

Q. Where was it parked?

A. Bay Shore Parkway, opposite that dead end street.

Q. Was their car parked right at the exit of the park? In other words, if you come out of the exit of the parkway, was the park right there?

A. Yes, a short distance in front.

Q. Did you see a couple in that car?

A. Yes, a couple.

Q. Was there other cars parked or did other cars come eventually?

A. Eventually.

Q. You say you saw this Stacey Moskowitz car and then you saw one up in front of them?

A. No, the one in the front was there before.

Q. Then, Stacey Moskowitz came afterwards?

A. Yes.

Q. Did you see them get out of the car?

A. No, I was too far down in the park. I saw them walking, I saw a couple by the swings. I didn't know it was them. I saw them go back to the car.

Q. Then, what did you do?

A. I just, I don't know. I waited for a time, I don't know how much time elapsed. I just went up to the car, I just walked up to it, pulled out the gun and put it, you know, I stood a couple of feet from the window.

Q. Were the windows opened or closed?

A. Yes, open and I fired.

Q. Who was seated in the passenger's seat?

A. Miss Moskowitz.

Q. You subsequently learned her name; at the time you didn't know the people?

A. I didn't know them.

Q. How many times did you fire your weapon?

A. Four times.

Q. Is there any particular reason why you fired only four times?

A. No, I didn't see a need to fire five times.

Q. Did you leave one in the chamber for any particular reason?

A. Just, no, conserve ammunition.

Q. Did you have any additional ammunition on you, in your pockets?

A. Yes, I had approximately a dozen rounds.

Q. You had them in your pocket?

A. In my front pocket.

Q. In the denim jacket or the slacks?

A. The slacks.

Q. When you fired your gun, were you aiming at Stacey in particular, or did you just fire into the car?

A. The first shot I know I aimed at Stacey's head. After that, I just fired into the car.

Q. About how far would you say you were from Stacey when you pulled off the first round?

A. About four or five feet.

Q. Did you realize you hit her?

A. No, she didn't move or anything. As I remember it, she

just -- I don't know if the bullet was by her or not. You couldn't tell, she just went back like that. She sort of flinched.

Q. You squeezed the other rounds?

A. I just sprayed the inside.

Q. Did you see anybody in the driver's seat?

A. Yes.

Q. Did you shoot in his direction?

A. Yes, I did.

Q. Who were you trying to shoot, her, him or both?

A. Both.

Q. You were not in particular after the girl or were you?

A. Well, I wanted her more than anything. I don't know why I shot the guy.

Q. Then, what did you do, David?

A. I turned around and I ran out of the park through those town houses.

Q. You say you ran through the park. You came out of the park eventually?

A. Yes.

Q. Did you go out and exit or hole in the fence?

A. There was a hole in the fence.

Q. What did you do; did you go back to your car?

A. Yes, I did.

Q. Then what happened?

A. I just got in my car and drove away in a northerly direction.

Q. You say you had your car parked on Bay 17th Street, right, David?

A. Yes.

Q. Is that a one or two way street?

A. One way.

Q. It's one way?

A. Yes.

Q. You would be facing in a northerly direction where your car was parked?

A. Right.

Q. Tell me, if you can, what route you took out of that area?

A. All I remember is I went up a couple of blocks to about 18th Avenue, 18th Avenue was the street that I took almost as far north as it would go.

Q. Did you make a turn on Cropsey?

A. I don't know if it was Cropsey or a couple of streets after that.

Q. You made a right turn?

A. Yes, it would have to be right.

Q. Then you went down 18th Avenue?

A. Yes.

Q. Do you know if it was 18th Avenue; are you familiar with that area?

A. No, it was just a big street. I saw it went pretty far.

Q. Do you recall what turn you made, right or left?

A. Left, heading north. I don't remember what the cross street was, I went through Flatbush.

Q. All right, but you made a left on 18th Avenue?

A. Yes.

Q. In a northerly direction. Now, how far did you drive down 18th Avenue?

A. Just about to where it ended. I think then I took some cross streets, I don't know exactly what streets they were, Eastern Parkway.

Q. Where were you going; were you going any place in particular?

A. No.

Q. Just around?

A. I got to a point where I was able to traverse Brooklyn and head towards the water, the East River. There was a park, I don't remember, I think it was Sunset Park.

Q. Yes, there is a Sunset Park.

A. I came through that way, all around through 5th Avenue. I went through another park, I parked my car. This was 4:30 in the morning. There was a park there, I went out and found a bench and just sat on the bench.

Q. Did you take the gun with you?

A. No, the gun was left in the car.

Q. Then, what did you do after you were sitting on the bench for awhile?

A. In the morning, I already had the Sunday newspaper. I read the news on the bench, went back to the car, drove again through Brooklyn. This was about 8:00 o'clock in the morning. By 9:00 o'clock, I crossed the Williamsburg bridge going into Manhattan.

Q. You were still on the road as late as 9:00 o'clock in the morning?

A. Yes.

Q. Did you arrive eventually at 35 Pine Street?

A. Yes.

Q. About what time did you get there, David?

A. 10:30.

Q. Getting back to the actual incident, the shooting. As you shot into the car four times.

A. Yes.

Q. Did you notice whether the man in the car or the young man in the car had been struck by your bullets?

A. He cried out in pain.

Q. Did you eventually learn what his name was?

A. Yes.

Q. What is that?

A. Robert Violante.

Q. Did you take any particular posture or position when you fired the gun?

A. The normal shooting stance, required. I guess you call it the crouched position.

Q. Did you take that crouched position?

A. Yes, I did.

Q. As far as aiming the weapon, did you take any particular stance in aiming the weapon? Were you holding the weapon in one hand or two hands?

A. Two hands out in front of my body.

Q. Did you learn that firing stance anywhere?

A. No, I just picked it up.

Q. Were you in the military?

A. Yes, I was.

Q. When was that, David?

A. June, '71 to June, '74.

Q. Where were you stationed?

A. I was in Korea, Ft. Knox, Kentucky.

Q. You were discharged in 1974?

A. Yes.

Q. You received an honorable discharge?

A. Yes.

Q. Directing your attention to this evening, David. Where were you earlier in the evening?

A. I was in front of 35 Pine Street.

Q. About what time did you come out of the house at night?

A. About 9:00 o'clock.

Q. Where were you going; any place in particular?

A. I was just going to go out to get a paper and get something to eat.

Q. What, if anything, happened at the time when you came out of the house?

A. The police were there. As I started my car, they just

came from behind with the guns out and that was it.

Q. Did you have the .44 caliber gun with you at the time?

A. Yes, I did. I always take that out at night.

Q. Even if you are not going on quests, so to speak, you still take the gun with you?

A. Right.

Q. Where did you have the gun tonight?

A. In a paper bag, along with some extra bullets and things, on the front seat in the car.

Q. Is that the gun you used to shoot Stacey Moskowitz and injure Robert Vilante?

A. Yes.

Q. What did you do with the gun when the police were there? Did you take it out?

A. No, I just left it on the front seat.

Q. Did there come a time later on that you gave the police officers, permission to seize the gun?

A. Yes.

Q. Tell us about that?

A. Well, I left the gun in the car, you know, they took me out and frisked me. I didn't have the gun on me. It was on the front seat. I drove off in the police car and

the gun was still there. I guess they went back and got it.

Q. David, was the .44 caliber gun by itself or was it contained in something?

A. A plastic bag.

Q. Was there anything else in back besides the gun?

A. No.

Q. Was there any hat in the car that you recall?

A. A watch cap.

Q. Do you recall what color that was?

A. Brown.

Q. Where was that; do you remember what part of the car that was?

A. That was inside a paper bag.

Q. What else was in the car besides that?

A. A .45 rifle.

Q. A .45 rifle?

A. Right.

Q. Was that contained in anything or was it by itself in the car?

A. In the duffle bag.

Q. David, I'd like to show you right now, a brown

military duffle bag. Is that the duffle bag the .45 rifle was contained in?

A. Yes.

Q. Where was that in the car?

A. In the back seat.

Q. On the top of the back seat?

A. Yes.

MR. AIELLO: If you would, Det. Zigo, open the bag so David could see what's contained in that. Do you see a .45 caliber rifle gun that's in there?

MR. BERKOWITZ: Yes.

BY MR. AIELLO:

Q. Is that the same gun that was in there?

A. Yes.

Q. Is that your gun?

A. Yes.

Q. Was there anything else in the duffle bag besides the gun itself?

A. Several 30 round clips.

MR. AIELLO: Do you have the clips in there, detective?

DET. ZIGO: Do you want one, or all, Ron?

MR. AIELLO: How many are there?

DET. ZIGO: I think six.

MR. AIELLO: Well, show him one.

BY MR. AIELLO:

Q. David, Det. Zigo is holding a clip of ammunition.

Does that belong to you?

A. Yes.

Q. Was it in the duffle bag?

A. Yes.

Q. Is it correct to say that there were five other similar clips in the duffle bag?

A. I suppose, I don't know how many.

Q. There are a number of others?

A. Yes.

Q. They all belong to you?

A. Yes.

Q. I'd also like you to look at another duffle bag here. There is another duffle bag here. Do you recognize that?

A. Yes.

Q. Where do you recognize that from?

A. My apartment.

Q. Is that your duffle bag?

A. Yes.

Q. What was in the dufflebag when you last saw it in the house?

A. I don't know, it was in the closet.

Q. Did you have any other weapons in the house, David?

A. Yes.

Q. What kind of weapons?

A. .12 gauge shotgun and .22 caliber rifle.

Q. Now, Det. Zigo is holding a weapon right now. Can you see it?

A. Yes.

Q. Is that your weapon?

A. Yes.

Q. What kind of a weapon is that?

A. .12 gauge shotgun.

Q. It belongs to you?

A. Yes.

Q. You spoke about a .22 caliber rifle. Do you see it?

A. Yes.

Q. Where is that?

A. It was in the apartment.

Q. Was that fully assembled or disassembled?

A. Disassembled.

Q. Had you disassembled it?

A. Yes.

MR. AIELLO: Are the pieces
of the rifle in the bag, Det.
Zigo?

DET. ZIGO: Yes.

BY MR. AIELLO:

Q. David, you saw Det. Zigo taking out of the
duffle bag, various part of a .22 caliber rifle. Do those
look familiar to you?

A. Right.

Q. Is that your rifle?

A. Yes.

Q. David, was there anything else in the car that
you can recall?

A. I think I had a towel in the back and some water.

Q. We're talking about anything else in the
car?

A. There was a towel and some water.

Q. How was that contained?

A. In a glass jar.

Q. Just a regular glass?

A. Yes.

Q. Do you recall anything else being in the car such as a letter?

A. Yeah, that was in the glove compartment. I had that letter in the car, yes, in the glove compartment.

Q. What kind of a letter was that?

A. It was a letter -- it's hard to describe.

Q. Who was it addressed to, David, if anyone?

A. Suffolk County Police and Inspector Dowd.

Q. David, I am going to hand you a letter that's contained in a plastic bag and ask you just to look on the outside and the printing on the front of it. Is that the letter you are referring to?

A. Yes.

Q. When had you written that letter?

A. It would be last Saturday, this past Saturday.

Q. Basically, David, you want to tell me what's in the letter that you can recall, just basically?

A. It was a letter to the -- I can't explain it, really.

Q. Okay, but whatever the contents are of the letter you wrote, is that correct?

A. Yes.

Q. David, referring specifically to the .44 caliber gun, where did you get that weapon?

A. Houston, Texas.

Q. When did you go get that weapon?

A. I'd say like May or June of 1976.

Q. Did you go to Houston Texas for any particular reason, to buy the gun?

A. No. Well, I had to get a gun, you know for my job.

Q. What job did you have at that time?

A. It was the job I was going to have, killing people.

Q. I see. You mean your new occupation?

A. Right.

Q. So you decided to go to Houston Texas. Did you have a friend there, or something?

A. I had an Army buddy that I promised a long time ago, I was going to visit him.

Q. You had him buy the gun?

A. Yes, it was a legal purchase.

Q. Do you have a receipt for that?

A. I might still have it in the house.

Q. How much did you pay for the gun?

A. About \$130., I would say.

Q. Now, the .45 caliber machine gun that you identified before as being your's. Where did you get that?

A. In a gun store in Brooklyn, New York.

Q. When was that, David, do you recall?

A. Almost two years ago.

Q. Why did you buy that weapon?

A. I needed an effective weapon.

Q. Did you ever use that weapon to shoot anybody; the .45 caliber gun?

A. Yes, in Yonkers.

Q. In Yonkers?

A. Yes.

Q. When was that?

A. I don't remember the date.

Q. Did you hit anybody?

A. Yes, I did.

Q. Who did you hit?

A. An elderly woman.

Q. Did you kill her?

A. No, I did not.

Q. Do you know that for a fact that she didn't die?

A. Yes.

Q. She's recovered as far as you know?

A. Yes.

Q. Is that the only time you used that weapon, in that manner, to shoot somebody that one time in Yonkers?

A. Yes.

Q. The disassembled rifle that you also identified as being yours, did you use that to kill anybody?

A. No, I did not.

Q. Where did you get the .44 caliber ammunition?

A. In the store in Texas.

Q. How many rounds did you buy?

A. Two boxes, that would be 100 rounds.

Q. How many rounds are you left with?

A. I haven't counted.

Q. 10, 15, more than that?

A. Over 50.

Q. Where were you keeping the rounds of ammunition that were left, the .44 caliber ammunition?

A. I had some in my room. I moved them around; I don't recall.

Q. Will you excuse me a second, David?

David, at this time, there is another Assistant District Attorney that's present from the Bronx and his name is Bill Quinn, that's Mr. Quinn sitting right there. At this time, he's going to take over the questioning and ask you some questions.

Statement taken in Police Headquarters, 1 Police Plaza, Manhattan, New York on August 11, 1977, by Assistant District Attorney, William Quinn.

Present:

Detective James Fox, #2558, Major Case Squad.
Sgt. William Allison, #413, Intelligence Division.
Detective Edward Zigo, #2419, 10th Homicide Zone.
Mr. Dale Campbell, Assistant District Attorney, Kings County.
Mr. Martin Bracken, Assistant District Attorney, Queens County.
Mr. John Tartaglia, Assistant District Attorney.
Detective James Gallagher, #2430, 15th Homicide Zone.
Mr. Michael Shilenski, Counsel for the New York City Police Department.
Detective John Lugo, #3008, 8th Homicide Zone.
Detective Richard Paul, #913, 8th Homicide Zone.
Mr. William Quinn, Assistant District Attorney, Bronx County.
Detective Ronald Marsenison, #1889, 8th Homicide Zone.
Mr. James Shalleck, Assistant District Attorney, Bronx County.
Detective Marlin Hopkins, #2217, QHTF.
Mr. John Cirino, Hearing Reporter, Kings County.

Statement of:

Mr. David Berkowitz, 35 Pine Street, Yonkers, New York.

Reporter:

Robert Kitchin, Hearing Reporter, Bronx County.

Time:

4:07 A. M.

EXAMINATION BY MR. WILLIAM QUINN:

Q David, what is your full name and home address?

A David Berkowitz, 35 Pine Street, Yonkers, New York.

Q David, how old are you?

A 24.

Q David, I'm William Quinn, Chief of the Homicide Bureau, Bronx County District Attorney's Office and I'd like to ask you some questions about certain incidents that happened in the Bronx, but before I do that I'd like to tell you that you don't have to answer any of my questions, do you understand that?

A Yes.

Q In other words, you have the right to remain silent, do you understand that?

A Yes.

Q Do you have any questions?

A No.

Q Now, anything that you do say can be used against you at some future time in a Court of Law, do you understand that?

A Yes.

Q You have the right to have an attorney present before and during any questioning, do you understand that?

A Yes.

Q And if you don't have the money for an attorney, the State will provide an attorney, a free lawyer, do you understand that?

A Yes.

Q Do you have any questions about that?

A No.

Q Do you understand all that?

A Yes.

Q Will you answer my questions about certain events that I'd like to discuss with you?

A Yes.

Mr. Quinn: Let the record indicate that it is now nine minutes past four and I have been speaking to Mr. Berkowitz for approximately two or three minutes prior to this time.

Q Mr. Berkowitz, I'd first like to discuss with you and ask you questions about an event which took place in Bronx County about ten minutes past midnight or thereabouts, and if I am wrong about any of the facts please correct me, okay?

A Yes.

Q Now, on July 29, 1976, a Thursday morning, in the vicinity of 2890 Buhre Avenue in the Bronx--

A That was at ten minutes after one.

Q Do you recall it being a Thursday morning?

A No.

Q Do you recall the weather?

A It was just a clear, warm night.

Q Do you know the street itself, Buhre Avenue?

A Yes.

Q How do you know it?

A I have been there before.

Q Have you been a New York City resident most of your life?

A Yes.

Q There were two ladies in an Oldsmobile, a blue Oldsmobile with a light blue top on the morning of July 29, 1976, do you know what I'm talking about?

A Yes.

Q Do you know the names of the ladies I'm discussing?

A Yes, I do. Donna Lauria and Jody Valente.

Q Do you know whether either one or both died?

A Yes, I do.

Q Which one or both?

A Donna Lauria died and Jody Valente was wounded.

Q Can you describe for us where Donna Lauria was in the car?

A She was on the passenger's side.

Q And the other lady?

A On the driver's side.

Q Now, you said to me that this was ten minutes past one in the morning?

A Yes.

Q How long have you been in the area before?

A I just got there.

Q And do you acknowledge that Mr. Aiello(P) spoke to you before me, from the Brooklyn, D. A.'s Office, Chief of their Homicide Division?

A Yes.

Q And some of the questions I ask may be going over some of the same ground, okay?

A Yes.

Q Now, you said you just got there?

A Yes.

Q What kind of a vehicle did you drive that night?

A A yellow Ford.

Q Same car you discussed previously?

A Yes.

Q And were you alone?

A Yes, I was.

Q And tell me about that event in your own words?

A I was just driving around and I passed their car, it was double parked by the building.

Q Was there anyone--

A I was heading west on Buhre Avenue and I had just rounded--I knew I had to get them.

Q Why?

A Those were my orders, I never saw them until moments before the shooting, I never saw them.

Q Were their car lights on?

A I don't remember.

Q Do you know what they were doing?

A Talking.

Q Was there anyone near their car such as an old man or woman?

A I saw nobody.

Q What did you do?

A I parked my car around the corner in a spot, I got out of the car with the gun in a bag, I walked up to the car through the street up on Buhre Avenue right to the car and I stood by the curb and they were seated there, as far as I know Miss Lauria didn't see me.

Q That was a paper bag?

A Yes and she sat there talking and I pulled out the gun and I put the bag in my left hand

and fired the gun with my right hand through the window.

Q Was the window up?

A Yes.

Q Did the glass shatter?

A Yes, it did.

Q How many times did you fire?

A Five times.

Q What kind of a gun?

A .44 Bulldog.

Q And as you have already discussed it, I want to get it for this stenographer, Mr. Kitchin, can you describe the gun itself?

A It's a short barrel-large caliber weapon.

Q How many bullets in the gun?

A Five.

Q How many did you fire?

A Five.

Q Do you know who you struck first?

A At first I didn't know I struck anybody because I remember Donna had just cupped her hands over her head and was sitting in the car, I didn't

hear any sound, she just--I just emptied my gun in the car and saw the glass shatter and the other girl, I believe, she screamed and blew the horn and I stood there and emptied the gun, and I didn't know that I struck anybody, I thought she was holding her head because of the flying glass and when the horn started to blow I found my self pulling the trigger and I had already ran out of bullets.

Q What were you wearing at that time?

A I don't remember, dungarees probably.

Q Did you have the same hair as you have now?

A Yes.

Q You didn't have a wig?

A No.

Q What did you intend to do when you pulled out the gun and fired it at the window where Donna Lauria was sitting?

A Just shoot them and shatter the window.

Q Did you intend to kill them?

A Yes.

Q Both?

A Yes.

Q Do you know if you struck Jody
Valente?

A I don't know I couldn't tell.

Q Did you know either one or both of
them before July 29, 1976?

A No, I did not.

Q Did you have any connection with
the area?

A No.

Q Why did you pick that street, Buhre
Avenue, that night?

A But the hunting is good there.

Q You were there before?

A I drove a cab there before.

Q Now, did the horn of the car con-
tinually stay on or did it stop at some point?

A It stayed on.

Q What did you do then?

A I turned around and ran to my car
and drove off.

Q To where?

A Right home to Yonkers.

Q How long did it take for you to decide that it was this car with the girls in it?

A As soon as I saw it.

Q Were there any people on the street that you saw?

A Yes, there was a young couple going into a private house across the street, just around the corner.

Q Did they look at you?

A I didn't pay attention, I just saw them by the house, I think they were going inside, they had gone inside before I started shooting.

Q Had you followed either one of those two girls earlier in the evening, nine or nine-thirty in the evening?

A No.

Q In other words, in the evening hours of the day before?

A No, I did not.

Q Again, if you have the facts correct and I do not, please correct me. Now, let's turn to April 17, 1977, do you recall that date in connection with--

A Yes.

Q What you know?

A Yes.

Q Do you know the day of the week it was?

A Sunday morning.

Q About two minutes to three, something around there?

A Yes.

Q Where were you?

A I was on the Hutchinson River Parkway, service road.

Q Have you been there before?

A Yes.

Q For what purpose had you been there before?

A To look for somebody to kill.

Q And had you?

A No.

Q Tell me in your own words what happened?

A I had driven by and I came from Queens that night.

Q What purpose had you been in being in Queens, could you tell us?

A To kill somebody.

Q You were not successful?

A No. I just drove up the service road and I saw them in the car.

Q What kind--did you drive a car that night?

A Yes.

Q What kind?

A A Ford, same one I have.

Q The yellow Ford?

A Yes.

Q What model?

A 1970 Galaxy.

Q You were alone at that time?

A Yes.

Q What happened when you drove up?

A I saw them in the car and I knew then and there those were the two I had to shoot.

Q Tell me what kind of a car they were in on April 17, 1977, describe it by make or color?

A Red, I think.

Q Maroonish like?

A Yes.

Q Where on the Hutchinson River Parkway itself was it, on the left side or right side of the road?

A Looking north it was on the left side.

Q And had you been at that scene ~~xxxx~~ long before something happened?

A I just came up, parked around the corner and down a block.

Q Are there some high rise buildings there?

A Yes.

Q You parked the car down the street?

- A If I had a map I could find out.
- Q It just so happens I have one. Now, this is the Hutchinson River Parkway.
- A Right on the corner of Mulford and Lowery(P).
- Q Closer to Mulford.
- A Yes. Closer to Mulford.
- Q You then had to walk around the corner?
- A Yes.
- Q Did you have the weapon on you?
- A Yes.
- Q What kind?
- A A .44 Bulldog.
- Q The same gun you described earlier in connection with the death of Donna Lauria, the exact same gun?
- A Yes.
- Q Was it loaded?
- A Yes.
- Q With how many rounds?
- A Five.

Q Did you have spare ammunition?

A Yes.

Q Do you know about how many rounds you had?

A Ten or a dozen.

Q What happened when you came around the corner after parking the car?

A They were just in the car making out, I just walked up the street and walked on the opposite side of the street and crossed the street, they did not see me, I pulled the gun out and opened fire.

Q Which side of the car did you go to?

A The passenger's side.

Q Was the car window up or down?

A Up.

Q What did you do?

A Just pulled out the gun.

Q Were you crouched?

A Yes and just fired into the car.

Q Did you hold the gun in one hand or two?

A Two.

Q How many shots did you fire?

A Four shots.

Q Was there any particular reason why you only fired four on this particular morning, April 17, 1977 whereas you fired five on July 29, 1977 in the Buhre Avenue incident?

A No particular reason.

Q Who did you hit first?

A I believe I hit Mr. Esau first.

Q Where was he in the car?

A He was in the passenger's seat.

Q And what if anything did he do, did he slump?

A He seemed to slump forward.

Q That's Mr. Esau, is that correct?

A Yes.

Q Do you know the lady's name?

A Valentina Suriani.

Q What if anything did you do to her?

A I shot at her, I couldn't tell if I hit her, when I left she was moaning, but she seemed to

have slumped back to the driver's seat.

Q And that was about three A. M.?

A Yes.

Q Do you know why you remember the time?

A I must have read about the incident dozens of times.

Q And you are the man who shot these two people?

A Yes, I am.

Q And you are the man who shot and killed Donna Lauria and wounded Jody Valente?

A Yes, I am.

Q Now, what did you next do after you fired the four shots?

A I ran to my car and got in my car and drove off.

Q Did you leave anything at the scene?

A Oh, yeah, right, the letter. I had it in my pocket. It was a letter addressed to Captain Borelli(P).

Q Where did you leave it?

A I just dropped it in the middle of the street.

Q Near the driver's side or the passenger's side?

A The passenger's side.

Q It was a plain white envelope?

A Yes.

Q Did it have a name on it?

A Captain Joseph Borelli.

Q Did it have a location, precinct, address?

A Queens police I thought I had on it.

Q Getting back to the shooting, did you intend to kill Valentina Suriani and Alexander Esau?

A Yes.

Q There is no question about that?

A No.

Q Now, combining both cases together for a moment, when you planned to do what you said you did, how long did you think about it, the day it happened, the day before or the day before that? How long did you

plan to shoot these people?

A Well, I didn't know those were the people I would shoot.

Q You planned to shoot those people?

A Sam gives me the word to shoot and I would shoot.

Q Did you know Miss Suriani or Mr. Esau?

A No.

Q What were you wearing April 17, 1977, do you know?

A I think I wore a ski jacket.

Q You hair the same as it is today?

A Yes.

Q Why did you leave a letter when you shot and killed Miss Suriani and Mr. Esau and not when you shot Donna Lauria and Jody Valente?

A It was a long period had elapsed and things had changed, I had things to say.

Q This letter that you left addressed to Captain Borelli, by the way did you know the name Borelli?

A It was in the papers from the previous shooting.

Q How did you write it in script or print?

A Printed it.

Q Any reason for that?

A Just wanted to print it. I just like to write in that style. It has a certain effect.

Q Why did you shoot five shots in killing Donna Lauria and wounding Jody Valente and only four in killing Mr. Alexander Esau and Valentina Suriani?

A It was just when I fired in the Lauria shooting I just opened fire, I pulled the trigger as fast as I could, I was still pulling the trigger after the gun was empty. In the other shooting I just, I had become more experienced, it just didn't take that many bullets.

Q Is there any reason, as far as the Bronx cases are concerned, any reason why you picked those dates?

A The dates have no reason.

Q How did you get away, what path did you take, what road did you take in the April 17, 1977 shooting of the two people?

A Up Buhre Avenue passed the previous shooting, east on Buhre Avenue, Bruckner expressway and I traveled on that all the way around to Soundview Avenue I remember I stopped at White Castle over there.

Q Is there anything that you recall saying in the letter left at the shooting of April 17 of this year where Mr. Esau and Miss Suriani were killed anything that stands out in your mind that you remember today?

A I called myself the Chubby Behemoth.

Q Any reason for that?

A No reason, I can't say, I don't know how to explain it.

Q Any reason for using a .44 caliber weapon?

A When I went to Texas I only had a certain amount of money to spend, .38 Special and a .44 caliber were the cheapest.

Q When did you buy the gun in relation to the July 29th, 1976 incident?

A A month or a month and a half before the shooting.

Q Did you say in the letter you left for Captain Borelli, bang, bang, bang, bang, bang?

A Yes sir. Five bangs.

Q You only used four in killing Mr. Esau and Miss Suriani, does it have any meaning?

A No.

Q Did you write a letter to Mr. Breslin?

A Yes, I did.

Q And you wrote it yourself?

A Yes.

Q Why did you mail it from New Jersey?

A I was there at the time, hunting.

Q Did you ever admit to anyone before tonight what you had done in relation to the Bronx cases?

A No.

Q To anybody at all?

A No.

Q Did you write any other letters besides the two we mentioned?

A Not addressed to anyone.

Q Ever mail them?

A No.

Q Ever call the police?

A No.

Q Ever identify yourself as Son of Sam or any other term?

A No.

Q Do you know what you were doing-- withdrawn--today, this is yesterday, April--strike that-- yesterday August 10, 1977, tell me how the police took you into custody?

A I left my building and entered my car and they came from the rear, guns drawn, told me to freeze, that was it.

Q Anything in the car in connection-- weapons?

A Yes, a .44 caliber bulldog was there inside a paper bag, extra bullets, a .45 caliber rifle.

Q Did you talk to other police officials before you spoke to Mr. Aiello(P) and myself?

A Yes.

Q Do you know their names?

A Captain Jim Fox.

Detective Fox: Detective.

Q Inspector Dowd, a gentleman with a dark suit, glasses.

A Yes.

Q Is there anything else you want to say?

A I have nothing else.

Q Are you glad it's over?

A Kind of.

Q Glad to get it off your chest?

A Maybe tomorrow I won't feel that way.

Q Is what you're telling me today the whole truth--

A Yes.

Q About July 29, 1976, early morning hours when Donna Lauria died and Jody Valente wounded?

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A Yes, I did.

Q And you are the person who shot and killed on April 17, 1977 at about three o'clock in the morning at 1878 Hutchinson River Parkway, Mr. Alexander Esau and Miss Valentina Suriani, in a parked car?

A Yes.

Mr. Quinn: Mr. Berkowitz I'm now going to Mr. Martin Bracken, Chief of the Homicide Division, Queens Office, and he will discuss certain items with you as he feels important. This statement is concluded at 4:34 A. M.

1RK

Statement taken in Police Headquarters, 1 Police Plaza, Manhattan, New York on August 11, 1977, by Assistant District Attorney, Martin Bracken.

Present:

Detective James Fox, #2558, Major Case Squad.
Sgt. William Allison, #413, Intelligence Division.
Detective Edward Zigo, #2419, 10th Homicide Zone.
Mr. Dale Campbell, Assistant District Attorney, Kings County.
Mr. Martin Bracken, Assistant District Attorney, Queens County.
Mr. John Tartaglia, Assistant District Attorney.
Detective James Gallagher, #2430, 15th Homicide Zone.
Mr. Michael Shilenski, Counsel for the New York City Police Department.
Detective John Lugh, #3008, 8th Homicide Zone.
Detective Richard Paul, #913, 8th Homicide Zone.
Mr. William Quinn, Assistant District Attorney, Bronx County.
Detective Ronald Marsenison, #1889, 8th Homicide Zone.
Mr. James Shalleck, Assistant District Attorney, Bronx County.
Detective Marlin Hopkins, #2217, QHTF.
Mr. John Cirino, Hearing Reporter, Kings County.

Statement of:

Mr. David Berkowitz, 35 Pine Street, Yonkers, New York.

Reporter:

Robert Kitchin, Hearing Reporter, Bronx County.

Time:

4:34 A. M.

EXAMINATION BY MR. MARTIN BRACKEN:

Mr. Bracken: Let the record indicate the time is now 4:34 A. M. August 11, 1977.

Q David, do you want anything to drink before we start this?

A No.

Q Now, David, I'm going to speak to you concerning Queens County. Prior to apprising you of the incidents, I want to get your full name, it's David Berkowitz, is that correct?

A Yes.

Q Where do you live?

A 35 Pine Street, Yonkers, New York.

Q David, prior to ask you some questions concerning the incidents, I'd like to ask you again, apprise you of your rights. One, you have the right to remain silent and refuse to answer questions, do you understand that?

A Yes.

Q Anything you do say may be used against you in a court of law, do you understand that?

A Yes.

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Q Three, you have the right to have an attorney present during any questioning now or in the future, do you understand that?

A Yes.

Q If you can't afford an attorney, one will be provided for you without cost, do you understand that?

A Yes.

Q If you do not have an attorney available, you have the right to remain silent until you have had an opportunity to consult with one, do you understand that?

A Yes.

Q Now, that I have advised you of your rights are you willing to answer questions?

A Yes.

Q David, you indicated that you life in Yonkers, is that correct?

A Yes.

Q What floor or apartment?

A Seventh floor, 7E.

Q Do you live by yourself?

A Yes.

Q Any relatives live in the apartment house?

A No.

Q Do you have any living relatives?

A A sister in Queens and my mother lives in Florida.

Q Prior to 1976 had you had any experience with small arms at all?

A Yes, in the service.

Q What type?

A M-16 and a .45 caliber automatic pistol.

Q During basic training?

A Yes.

Q Did you use them in Korea?

A Yes, during practice.

Q You had occasion to fire them during test practices?

A Yes.

Q Now, you also indicated that you worked as a taxi driver, is that correct?

A Yes.

Q When, prior to the service or after it?

A After the service for about two and a half months, Co-op City Taxi Service in the Bronx.

Q And did you have occasion to go through the various counties of the City with it?

A I didn't go to Manhattan, I think I made two trips to Queens.

Q Did you have a familiarity with Queens prior to last year?

A No.

Q Now, David, I want to speak to you first about an incident that occurred in the Flushing area in Queens County, are you familiar with this particular incident?

A Yes, I am.

Q Was that before or after the shooting in the Bronx?

A After.

Q After?

A Yes.

Q And more specifically, 159th Street and 33rd Avenue in Flushing Queens?

A Yes.

Q On October 23, 1976?

A Yes.

Q As Mr. Quinn indicated when you spoke to him if there's anything that I say to you that is not correct, you tell me, okay?

A Yes.

Q Now, tell me what time this incident occurred?

A Two or two-thirty A. M.

Q And where did you come from to get there?

A I was just driving around.

Q In what type of a car?

A A 70' Ford Galaxey.

Q What color?

A Yellow car, black roof.

Q Now, when you were driving around tell us what you did that night?

A I just drove around, before that I don't remember nothing significant happening, I drove up the street and saw them in the car.

Q Who?

A That would be Mr. Denaro and Miss Kegnan.

Q Now, at that time, did you know their names?

A No.

Q When you first saw them were you behind them or in front of them?

A Behind.

Q At this particular time, did you know whether it was two girls or men or what?

A I thought it was a girl and a man.

Q And where were they sitting in the car?

A I don't know, I just saw, it was dark, I saw figures in the car.

Q How did you approach the car?

A I pulled around the corner and parked my car and got out and just walked up behind the car.

Q And which side of the car did you approach?

A The passenger's side.

Q And tell us what you did?

A I pulled out the .44 and opened fire.

Q How many shots did you fire?

A Five.

Q And how many hands did you use?

A One hand.

Q And can you tell us what position you took at that time?

A I stood up, upright and I just emptied the gun in the car.

Q Now, was the window into which you fired the gun open or closed?

A All the windows were closed.

Q Did the glass break when you fired into the car?

A Yes.

Q Did you later learn that you hit someone?

A Yes.

Q Do you recall the make, model or the color of the car?

A A red volkswagon.

Q And how long were you at that location?

A Just a couple of minutes, as long as it takes to park the car, shoot the people and leave.

Q And what kind of a gun did you use?

A .44.

Q Where did you get that weapon?

A In Huston Texas.

Q And when did you buy it in Huston, Texas?

A June or May of 1976.

Q And did you go down there--

A Yes.

Q By car or airplane?

A Car.

Q And you used the same car that you just described for us?

A Yes.

Q Did you also purchase any ammunition?

A Yes.

Q What type?

A .44 revolver ammunition.

Q How many rounds did you purchase?

A One hundred.

Q And the weapon was what type?

A Carter Arms, .44 Bulldog.

Q And when you went to that area in Queens on October 23, 1976, did you know either of the people?

A No.

Q And what was your intent in going there?

A To kill them.

Q Did you intend to kill both the passenger and the driver?

A Just the woman, I thought she was in the front seat, passenger's side. It was very dark.

Q Can you describe the hair of the people in the car?

A It was like a blondish.

Q That was on the passenger's side?

A Yes.

Q Now, what type of clothing were you wearing on that particular day, do you recall?

A A pair of dungarees.

Q Do you recall what the weather conditions were?

A It was cool out, clear.

Q And after you fired the shots, do you recall where you went?

A I went to the car, drove off, Northern Boulevard.

Q What bridge did you use to get back to Yonkers?

A Whitestone or Throggs Neck.

Q Now, did you go east or west?

A West.

Q Towards the Whitestone area?

A Yes.

Q And was that the route that you had taken down there?

A No, I don't remember what route I took down there.

Q When you came to Queens County, do you normally take one bridge?

A I normally took the Whitestone.

Q Now, did you later learn the names of the people that you shot to be Rosemary Keganan and a fellow by the name of Denaro?

A Yes.

Q Now, this incident followed the shooting in the Bronx?

A Yes.

Q Now, subsequently I want to talk to

to you about an incident that occurred in Belrose on November 27, 1976, but first I want to ask you, prior to that incident in Queens County in Flushing had you ever been in Queens County, firing a gun?

A No.

Q That was the first time?

A Yes.

Q Now, on November 27, 1976 in the vicinity of 83-21 262 Street, do you recall that?

A Yes.

Q Do you recall firing a weapon at that time?

A Yes.

Q What weapon?

A .44.

Q Who did you fire it at?

A Two girls.

Q And where were they seated?

A They were standing by the porch of one of the girl's home.

Q By their house?

A Yes.

Q Was it a one or two family house?

A A small house.

Q And what did you do with respect to the car at that time?

A I parked the car around the corner and after the shooting I ran to the car and drove off.

Q Did you walk up to the location where they were seated?

A Yes.

Q Can you describe the girls for us?

A Yes, one girl, Donna DiMassi was on the bottom portion, green maxi-coat and calf boots, long black hair, the other girl was on the top by the door and she had on a white furry coat, pair of black jeans or something and she had blond hair.

Q Now, David when you walked up to them where was the gun?

A In my pocket.

Q In your front or back pocket?

A Front.

Q Do you recall what you were wearing that night?

A No.

Q Do you recall the weather conditions that night?

A A bit chilly, clear.

Q And could you describe what happened when you came up to the two girls?

A I walked up and I was going to shoot them. I tried to be calm about it and not scare them, but they were frightened of me and started to move away, and I asked them, I didn't know what to say to calm them down, so I said, I was looking for an address, I'm looking for a certain address or something like that and at that time I was a few feet from them, and I pulled out the gun and opened fire.

Q Did they say anything to you prior to the shooting?

A No.

Q What position were you in when you fired?

A I was at about maybe eight or nine feet from the steps or something.

Q And did you go in a crouch position at that time?

A Well, I just picked up the gun, they were like running up the steps. I stood upright.

Q And how many times did you fire?

A Five.

Q And did you use both hands or one hand to hold the gun?

A Both, I believe.

Q And when you fired, did you hit anyone?

A Yes, both girls.

Q Did you see what happened after you fired?

A No, they just fell down.

Q Where did you go at that time?

A I ran back to my car and drove off.

Q And when you got back in the car what was the manner in which you left the area, Belrose?

A Little Neck Parkway.

Q To where?

A To the Expressway, I think it's the Long Island Expressway and west.

Q And what bridge did you use on that occasion?

A I don't remember, I didn't go home right away, I drove around.

Q Did you drive around what area?

A Northern Queens.

Q Incidentally, when you fired the shots at the two girls, were they face to face with you or were their backs to you?

A Face to face.

Q And were they standing still or running?

A They were running.

Q In which direction were they running in relation to you?

A Towards the door, but they were on the top and the door wouldn't open. They looked at me facing me.

Q And did you use the same car the yellow car?

A Yes.

Q Do you recall what you were wearing on that day?

A No, I don't.

Q Did you have the same hair style?

A Yes.

Q Anything physically different about you on that day?

A No.

Q Anything physically different about you on the first case?

A No.

Q Had you ever seen the girls before that day?

A No.

Q What was your purpose or intent on that day?

A I was just roaming the area looking for somebody to shoot.

Q And did you intend to kill them at that time?

A Yes.

Q How long were you in the area, how long did it take?

A Just a couple of--I was just driving through, not too long.

Q And did you see anybody besides the two girls as you were getting out of your car?

A Yes.

Q Who?

A An elderly woman at the porch of her house and I think she was putting on or turning off a porch light.

Q Now, did she say anything to you at this time?

A No.

Q Now, did she look at you?

A I believe she did, yes.

Q Now, that night that this occurred you indicated the time it was, what time was that about?

A 12:30.

Q Prior to that had you been driving around Queens County?

A Yes, that and Nassau.

Q Did you ever have occasion to get out of the car prior to the first time you went to the girls?

A Just to urinate or something.

Q Now, did you get out around Hillside Avenue and 262nd Avenue?

A No.

Q Now, did you use the same gun that you used on the prior occasions, the one in Queens and the Bronx?

A Yes.

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Q Now, did you use the same ammunition that you purchased in Houston?

A Yes.

Q Was that the only ammunition you bought and that you used?

A Yes.

Q Now, could you describe for me when you left the area did you run or walk?

A Ran.

Q Did you ever walk after you fired the .44?

A Only the last--just before I was getting by the car, you know.

Q So you would run to the car and drive off?

A Yes.

Q Now, I'd like to talk to you David about an incident in Forest Hills, had you ever worked or been in Forest Hills?

A No.

Q This was, referring now to an incident that occurred on January 30, 1977, do you recall the night it was?

A Saturday, I think.

Q And when did you come, did you leave Yonkers and come to Queens?

A Yes.

Q Do you recall the bridge that you used?

A No, I don't.

Q Do you know where you were?

A In the vicinity of Forest Hills.

Q And did you get out of the car?

A Yes.

Q Where did you park your car?

A I parked on a street that runs parallel to that Long Island Railroad, it's on a small winding street, I don't know the name of it.

Q At this time, I have a map and if I were to show you this map, you see 71 Avenue and Continental Avenue down here is that where you parked your car?

- A At the bottom.
- Q Over here near the station?
- A Further down from the station.
- Q And did you get out of your car at that time?
- A Yes, I did.
- Q And where did you go?
- A In the vicinity of Austin Street.
- Q And what did you do at that time?
- A I just walked around.
- Q And how long were you there?
- A About an hour.
- Q And what was your purpose for being there on that occasion?
- A To kill somebody.
- Q And did there come a time that you in fact shot somebody?
- A Yes.
- Q And did you use the same weapon that you described for us, the .44 caliber bulldog?
- A Yes.

Q And what area did you do the shooting at?

A Forest Hills area.

Q Where was that in relation to the railroad station?

A Parallel to it.

Q And can you tell me in your own words what happened?

A Yes. I was walking in the opposite direction. I saw them walking down, we just passed each other, we criss-crossed. We almost touched shoulders.

Q You passed by them?

A Yes. They got into their car and I saw Mr. Diel get in and he reached over and opened up the door for Miss Freund and I was standing four or five feet away, and I watched them get in the car, and I guess a minute went by, and I opened fire.

Q When you approached them did you approach from the front or the back?

A Back.

Q And what side of the car did you approach?

A The passenger's side.

Q And when you went to the passenger's side what was the position of the window?

A Up.

Q Do you recall what type of a car it was?

A No, I don't. It was like a Mustang or something.

Q And what were you wearing on that occasion?

A Heavy-winter clothing.

Q Was it cold or what was the weather conditions?

A Cold.

Q Clear?

A Yes.

Q And can you tell me when you got there was the car running or off?

A Running.

Q And can you describe what you did in relation to the car at that time?

A I walked up and just pulled the gun out of my pocket and opened fire.

Q How many shots did you fire?

A Three shots.

Q And did you hit anyone at that time?

A Yes. I hit Miss Freund.

Q Where was she in the car?

A Passenger's side.

Q And what was your plan or intent at that time?

A Just to kill her.

Q Did you have any intentions toward the driver of the car?

A No.

Q How many bullets were in the weapon at that time?

A Five.

Q Is there any reason why you only fired three at that time?

A I only had one person to shoot.

Q Do you know which shot hit her?

A No.

Q Did anything happen with respect to the window of the car?

A It shattered.

Q Do you recall what your position was to the car, crouching or what?

A Crouched slightly, too look into the car.

Q How many hands did you hold the weapon with?

A Two.

Q Could you describe the position, just prior to the shooting, of Christine Freund and Mr. Diel?

A My position?

Q Their position?

A I believe they embraced for a while and she sat back.

Q And had you known these people prior to this night?

A No.

Q After you fired the shots what did you do?

A I ran to my car.

Q And where was your car in relation to the Diel's car at that time?

A It was quite far, quite a long run. I don't remember the exact streets, I just ran passed the Long Island Railroad.

Q Did you see what happened to Diel's car at that time?

A I think the car horn was blowing a little bit, and I heard him get out, he said something but by that time I was pretty far away.

Q Did you see anybody in the area of that automobile?

A Just before.

Q Where was that?

A Just moments before they walked by.

Q Did you know either John Diel or Christine Freund before that night?

A No.

Q Did you know their names?

A No.

Q You went there indiscriminately to pick out anyone?

A Yes.

Q And was your intent to kill Christine Freund or anyone in the car that night?

A Yes.

Q In relation to the car where Diel and Freund were sitting, where did you first see them when you criss crossed or almost touched shoulders?

A 71 and Continental.

Q And they were walking towards their car?

A Yes.

Q And you were where at that time?

A I was coming from walking parallel to the railroad.

Q I see so they went diagonal passed you, would that be correct?

A Yes.

Q And where was your car parked in relation to the railroad?

A You have those winding streets it was in there.

Q Are you familiar with the area Forest Hills Gardens?

A I passed there a few times.

Q Had you been there previous to that time?

A Yes.

Q When?

A I don't remember.

Q Now, was it your intent to shoot Christine Freund?

A Yes.

Q Now, on March 8, 1977, did you go back to that area?

A Yes.

Q Do you recall the time that was?

A Early in the evening.

Q Any reason why you went to that location on a week day?

A I had my assignment there.

Q Who gave you your assignment?

A Sam.

Q What night of the week was it?

A It was a Tuesday night.

Q And how did you get to that location?

A By car, same car.

Q And what bridge did you use?

A I don't remember.

Q And how did you get into the Forest Hills area, what road did you use?

A Queens Boulevard and I turned off on one of the side streets.

Q Where did you park that car that night?

A Adjacent to the Long Island Railroad, by the tennis courts there.

Q Was there any meter parking there?

A Just regular private parking.

Q And can you describe--incidentally,
what time was it?

A Seven or seven-thirty.

Q What happened that night when you were
in that area?

A Just walked around all night.

Q How long were you walking around?

A Maybe around an hour and a half.

Q And then what happened?

A I saw Miss Voskerician, and I had to
shoot her, she was coming up, we was walking in opposite
directions.

Q And what side of the street was she
on?

A The side by the apartment buildings.

Q And were you on the same side or the
opposite side?

A Same side.

Q And when you saw her what did you do?

A I pulled out the gun from my pocket
and fired one shot into her face.

Q And then what did you do after that?

A I turned around and ran towards my
car.

Q Do you recall what she looked like?

A Vaguely.

Q Could you tell us please?

A She had a long pretty face, there
was a shadow effect, long wavy hair.

Q Had you ever seen her before?

A No.

Q And this was similar to the other
incidents, you picked her out at random?

A Yes.

Q Is there any other reason?

A Sam told me to pick her.

Q Now, in relation, again showing you
this map, you see where the tennis courts are at the top,
where were you parked in relation to the tennis courts?

A Adjacent to the tennis courts, the
same street as the railroad.

Q Do you see Dartmouth Street, is that where you saw Miss Voskerician?

A Yes, towards the tennis courts.

Q Did you have to cut toward the railroad where your car was parked?

A Yes.

Q Now, after you shot her and to the point that you got to your car, did you see anyone?

A Yes. There was an elderly man walking, I ran by him.

Q Did you happen to see anyone jogging in the area?

A No, I did not.

Q Now, can you describe the elderly man that you saw on that night?

A I don't remember his face, just his dark clothing. I think he was wearing a hat.

Q And where was he in relation to Dartmouth Street or was he closer to your car?

A Dartmouth street the street near the tennis courts.

Q Did anyone say anything at that time?

A I said something to him.

Q What did you say?

A I said, Hi, Mister.

Q And do you recall what if any type of hat he had on, can you describe the hat?

A Just a hat, a dress hat I think.

Q And what were you wearing on that occasion?

A I think my ski jacket, dungarees.

Q Were you wearing a hat?

A A watch cap.

Q And what type of a hat was that?

A A brown watch cap.

Q And was that in your duffel bag that was taken by the police today?

A Yes.

Q Do you remember the type of evening it was the weather conditions?

A Cold.

Q And how did you leave that particular area that night?

A I just drove off.

Q Do you recall how you drove off?

A I went down Queens Boulevard, pretty far, almost to the end and after that I went over one of the bridges, Tri-boro, I don't remember.

Q Is there any reason why you picked Queens?

A A lot of pretty woman there.

Q Is there any reason why the woman are prettier in Queens than in any of the other locations?

A Just seemed that way.

Q Was that the only occasion that you wore a hat?

A Yes.

Q Was there any reason in this particular incident for why you only fired one shot at that time?

A That's all I needed.

Q In other words, you knew you hit her?

A Yes.

Q Was it your plan and intent to kill her on that occasion?

A Yes.

Q And did you know her before that?

A No.

Q Can you describe what she was wearing and doing at that time?

A She was just walking home from school. She had on a long coat and boots. She was carrying her books.

Q How far away from her were you when you fired?

A About two feet.

Q Did she do anything prior to your firing the shot?

A She screamed slightly, and I believe, she tried to raise the books.

Q Towards the direction of the shot?

A Yes.

Q And do you know where you hit her.

A Somewhere in the face, I couldn't
tell.

Q David, at this time would you like
to take a break? I understand you want to go to the
bathroom?

A Yes.

Mr. Bracken: We'll take a
break at this time at 5:00 A. M.
in the office of the conference
room of the Chief of Detectives,
New York, County, 1 Police Plaza.

EXAMINATION BY MR. MARTIN BRACKEN:

(Same appearances)

Mr. Bracken: We will reopen the statement, it is now 5:05 A. M.

Q David, I think we left off with the incident, the second incident, in Forest Hills in which I discussed Virginia Voskerician, and then you had another incident up in the Bronx and you recall that, now, do you recall June 26, 1977 over at the Elephas, were you ever in that place before?

A No.

Q On how many occasions were you in that area?

A I don't know.

Q When you went down there, was it mostly at night?

A Yes.

Q Did you scout the area around there?

A Yes, but there wasn't always someone available.

Q Do you recall what time you got down there that night?

A What time was the shooting at?

Q You tell me, as to your best recollection?

A About three.

Q You were there around three?

A Yes.

Q And how long were you there?

A Around a half hour or so.

Q And then what happened?

A I was just walking around.

Q And where was your car parked in relation to Northern Boulevard?

A Two blocks south.

Q Of Northern Boulevard, and where was it parked in relation to the Elephas?

A About four blocks away.

Q And in which direction, which way, West or East?

A West.

Q So you walked up towards Northern Boulevard and you made a right hand turn toward the Elephas?

A Yes.

Q Now, when for the first time did you see the people who were in the car, Judy Placido and Salvator Lupo?

A Just before the shooting.

Q You didn't know them prior to the shooting?

A No.

Q Now, did you see them get into the car?

A No, I did not.

Q Where were you when you first saw them?

A I was coming around the corner south of that.

Q You were walking in the direction of the car?

A Yes.

Q Toward Northern Boulevard?

A Yes.

Q And where there car was parked, were their backs toward you?

A Their backs to me.

Q And what did you do when you approached the car?

A I just pulled the gun, walked up to the passenger's side of the vehicle and opened fire.

Q And was the window open?

A No, it was not.

Q And were you in the same physical condition, hair, facial features?

A Yes.

Q And what were you wearing at that time?

A Blue denim jacket and dungarees.

Q And what car did you use?

A The same car.

Q And that would be a yellow Ford?

A Yes.

Q Now, do you recall what type of a car they werein?

A A Cadillac, red one.

Q Was it totally red?

A I think it had a black roof.

Q How many shots did you fire then?

A Four.

Q And did you hit anyone on that occasion?

A Miss Placido.

Q And where was she seated?

A Front seat, passenger's side.

Q Now, had you gone down that block prior to the shooting?

A Yes.

Q And did you see any cars in the area?

A A bunch of cars.

44RK

Q And were any people in the cars?

A I think so, some.

Q Now, when you came back and fired the shots, did you intend to kill the girl that was in the car?

A Yes.

Q And did you fire any of the shots at the driver of the car?

A I know one shot struck him. I didn't intend to kill him.

Q That was a shot that you intended for the girl?

A Yes.

Q Now, do you remember what position you took?

A I grasped the gun with two hands, crouched down like so I was level with them and I fired.

Q And could you tell us what you did after you fired the gun?

A I turned around and ran to the car.

Q Now, did you go in the street or on the sidewalk?

A I crossed the street and stayed on the sidewalk.

Q You crossed over to the other side of the street and stayed on the sidewalk?

A Yes.

Q And did you make a turn when you got there?

A Yes.

Q And do you remember whether it was a left or a right?

A Right.

Q Now, if I were to show you this map where Northern Boulevard is and 43rd, where was the Cadillac parked in relation to 211th?

A Right on the corner of 211th.

Q On the eastern side of the street or the western side of the street?

A Eastern.

Q So when you ran on turning to go back, you crossed over to the western side of 211 th Street and made a right hand turn to go west?

A Yes.

Q When you were running, did you have occasion to see either of the occupants of the car?

A No.

Q And you didn't know their names on that occasion?

A No.

Q And did you see anyone in the area, either before or after the shooting?

A I think there was a young black guy walking by.

Q And when you walked by this black guy was this after or before the incident?

A Before.

Q And on what street?

A 211.

Q When you walked by him was that the east side or the west side of the street?

A In the middle of the street.

Q He was walking south and you were walking north?

A Yes.

Q Now, how long did this take?

A Just a couple of minutes.

Q Now, there was a previous inquiry concerning a letter, did you ever describe yourself as a monster?

A Yes.

Q In which letter?

A The first letter, I believe.

Q And did you ever make any reference concerning the water in Queens County?

A Yes.

Q What did you say about that?

A The water makes the girls pretty.

Q Now, yesterday, being August 10, 1977 you indicated you were picked up by the police, yesterday, is that correct?

A Yes.

Q Since the time you were picked up by the police have you ever been mistreated?

A No.

Q Has anyone of them threatened or physically abused you?

A No.

Q Have you been offered anything to eat and drink?

A Yes.

Q Did anyone mistreat you in Yonkers?

A No. They treated me okay.

Q Has anyone physically hit or threatened you?

A No.

Q Definitely your treatment was okay?

A Yes.

Q Now, when you went to the police station in Yonkers was there any inquiry made as to where the .44 weapon was?

A Yes, they did ask, and I told them the front seat of the car.

Q And that was the weapon that you used in the shootings in Flushing in Queens, County and that you also used in Belrose, Queens and the Fruend and Voskerician girls in Queens and at the Elephas?

A Yes.

Q And is that the .44 that you purchased in Houston?

A Yes.

Q Now, did you actually shoot in the first shooting in Flushing, Queens on October 23, 1976, did you do it?

A Yes.

Q Did you in fact do the shooting in the Belrose area?

A Yes.

Q And you're not saying that because of the papers are you?

A No.

Q You actually did it?

A Yes.

Q And you did the shooting of the Freund girl in Forest Hills on January 30, 1977, you did that?

A Yes.

Q And the Voskerician girl on March 8, 1977, did you do that?

A Yes.

Q And at the Elephas on June 26, 1977, the shooting of Salvator Lupo, did you do it and--

A Yes.

Q Of Judy Placido, the girl in the car, did you do it?

A Yes.

Q Now, the statements you gave to the two previous D. A.'s and also to myself, you're not just giving them because a weapon was found in your car, you're telling us the truth, if the Detectives had not found the weapon you would have told us the truth anyway?

A Yes.

Q Can you describe the cap you were wearing at the shooting of the Voskerician girl?

A A brown woolen cap.

Q Just one or two questions more, David, you indicated that the shootings were dictated by Sam, who is he?

A Cammy Carr.

Q Would that be the father of W-H-E-A-T Carr?

A Yes.

Q Do you know Wheat Carr?

A Yes.

Q Where does he live?

A Same house.

Q And do you know Sam Carr?

A Yes.

Q Where does he live?

A At the house.

Q That you live at?

A Auburn Avenue.

Q Where is that in relation to your house?

A Just opposite it across the rear of my house.

Q David, the statements you've made to the two previous D. A.'s and also to myself, did you make them of your own free will and voluntarily?

A Yes.

Q Nobody has forced you to make these statements?

A No.

Q Is there anything else you'd like to say at this time?

A No.

Q The shootings I have described in Flushing, Forest Hills and so forth, did you ever shoot anyone else besides the ones that I mentioned?

A No.

Q Have you ever used a weapon besides the .44 in Queens County?

A No.

Q Is that the only .44 Carter Arms you ever owned?

A Yes.

Q Just one last question, David, when you were interviewed by the Detectives prior to the Assistant District Attorney's were you apprised of your rights by them?

A Yes.

Q And you made statements to them, is that correct?

A Yes.

Q And is that substantially what you told the D. A.'s in this room?

A Yes.

Q Is there anything that you told the D. A.'s or any Detective today or last night, meaning August 10, 1977 through this morning, that is not true?

A No.

Mr. Bracken: Thank you, David.
That concluded this interview at
5:20 A. M.