

M E M O R A N D U M _

November 10, 1977

TO: Mr. Greenberg

FROM: Mr. Brook

Dr. Abrahamsen called today requesting the identity of the girl who was stabbed in Co-Op City by David Berkowitz in 1975. He is specifically interested in knowing how many stab wounds were inflicted upon the girl. He is curious to see if David Berkowitz is exaggerating this attack.

I advised him that even if we cannot locate the girl we would probably be able to learn the number of stab wounds from the police records.

I told him that we would get the information to him next week.

HELMAN BROOK.

HB:yf

MEMORANDUM # 2

November 10, 1977

TO: Mr. Greenberg

FROM: Mr. Brook

Dr. Abrahamsen called a second time today to advise me of the following:

In his recent appearance in a Kansas State Trial the Judge ruled that after submission of the reports of the psychiatrists neither the psychiatrists for the prosecution nor defense could conduct further interviews of the defendant without court order.

In addition he ruled that attorneys could not be present during Dr. Abrahamsen's interview with the defendant.

After explaining to Dr. Abrahamsen that it was entirely possible that Kansas court procedures were different from ours, he stated that he felt Dr. Schwartz's discussion of the case with the Daily News was "unethical". He further stated that other members of the psychiatric community had expressed similar opinion. In this regard he also told me that he suspected that Dr. Schwartz was continuing further interviews with the defendant and that we should check into this matter. He gave me no indication other than his own suspicion that these interviews were taking place.

In the event Dr. Abrahamsen calls again, you will receive additional memorandums.

HELMAN BROOK

HB:yf

November 3, 1977

Hon. Joseph R. Corso
Justice of the Supreme Court
Civic Center
Brooklyn, New York 11201

RE: People -v- David Berkowitz

Dear Judge Corso:

Ira Jultak, Esq., one of the attorneys representing David Berkowitz in the above captioned matter, has indicated to me that he has requested of your Honor an order to the effect that any and all records, tapes, and transcripts thereof introduced into evidence at the competency hearing held by Justice Starkey on October 20 and 21, 1977, be sealed. Mr. Jultak has stated that he will request a further order that there be no dissemination or distribution of the sealed items to any person or persons other than members of the staff of the Kings County District Attorney's Office or the attorneys for the defendant without further order of this court.

The District Attorney urges that your Honor sign such an order, if presented, and do everything in the court's power to assure compliance with the guidelines promulgated by the New York Fair Trial Free Press conference, which, from its inception, has sought to balance the freedom of the press guaranteed by the First Amendment of the Constitution of the United States with the right to a speedy and public trial by an impartial jury which is guaranteed to defendants in criminal cases by the Sixth Amendment.

Very truly yours,

SHELDON GREENBERG
First Assistant District Attorney

SG:yf

cc: Ira Jultak, Esq.

November 23, 1977

Hon. Joseph R. Corso
Justice of the Supreme Court
Supreme Court Building
Brooklyn, New York

RE: David Berkowitz

Dear Judge Corso:

On November 22, 1977, the District Attorney accepted service of a motion, a copy of which is attached hereto, to change the venue of the above captioned action, said motion returnable in the Appellate Division, second department on December 2, 1977.

Inasmuch as we cannot expect a decision on this motion for at least a week, the first viable date for the matter to appear before your honor would be in the week of December 12th through 16th. I have consulted with Mr. Jultak on behalf of the defendant and we have agreed on December 14th as the date for appearance in the Supreme Court, subject to the convenience of the court.

We will not appear on the previously set date of November 28th.

Very truly yours,

SHELDON GREENBERG
First Assistant District Attorney

SG:yf

cc: Ira Jultak, Esq.

Mr. Greenberg

10/27/77 10:25

LEON STERN

ATTORNEY AT LAW

82 MAIN STREET
MINEOLA, NEW YORK 11501

ANDREW D. POLIN

(516) 741-7765
(516) 741-7766

October 28, 1977

Honorable John R. Starkey
Justice of the Supreme Court
County of Kings
Civic Center
Brooklyn, New York 11201

Re: People against David Berkowitz
Indictment No. 2673/77

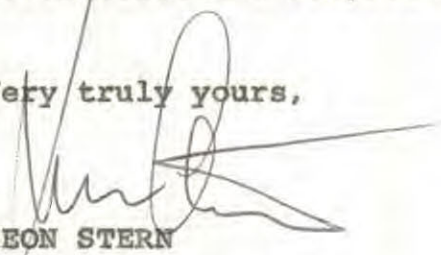
Honorable Sir:

This will confirm the matter set forth in the District Attorney's letter of October 26, 1977 to your Honor by Sheldon Greenberg, First Assistant District Attorney, Kings County. We join in the application and concur in every respect in the matters therein contained.

Consequently, we respectfully request that this case, previously set down before your Honor on November 2, 1977 for control purposes, be adjourned to the 28th day of November, 1977, in order that the motion for change of venue be heard by the Appellate Division on November 25, 1977.

Many thanks for your courtesies and cooperation in this request.

Very truly yours,



LEON STERN

LS:nf
cc: Sheldon Greenberg, Esq.

October 26, 1977

Hon. John R. Starkey,
Justice of the Supreme Court
Civic Center
Brooklyn, New York 11201

Re: People against David Berkowitz
Indictment No. 2673/1977

Dear Justice Starkey: People against David Berkowitz
Indictment No. 2673/1977

Pursuant to your direction, the above captioned defendant is scheduled to appear before the Court on November 2, 1977, at whatever institution he is being detained.

At a meeting yesterday between District Attorney Gold and the lawyers for the defendant, Messrs. Stern and Jiltak, attended by Mr. Keating and me, Mr. Stern indicated that they are in the process of drafting a motion for a change of venue which cannot be completed before mid-November. It is their intention to serve the motion papers on the District Attorney by the 18th of November and have the matter before the Appellate Division on the 25th.

It would appear that no meaningful business could be transacted on November 2nd, or for that matter, any time before November 25th. Therefore, it is respectfully requested that this case be marked for further proceedings on the next business day after its appearance in the Appellate Division, which would be November 28, 1977.

Mr. Stern stated that he is in total accord with this suggestion and he has indicated that he is making a similar request of Your Honor.

Very truly yours,

SHELDON GREENBERG
First Assistant District Attorney

SG:DM

cc: Leon Stern, Esq.

October 25, 1977

Dr. David Abrahamsen
1035 - 5th Avenue
New York, New York 10028

Re: People against David Berkowitz
Indictment No. 2673/1977

Dear Dr. Abrahamsen:

Enclosed please find pages 217-through 280 of the Court transcript of October 21, 1977, comprising your direct and cross-examination in this case.

Very truly yours,

SHELDON GREENBERG
First Assistant District Attorney

SG:DMM
ENC.

September 29, 1977

Leon Stern, Esq.,
82 Main Street
Minneola, New York

Re: David Berkowitz
2673/1977

Dear Mr. Stern:

As per our conversation this afternoon, I am enclosing herewith a copy of the transcript of proceedings in the Supreme Court Criminal Term Part 1 in Kings County, on August 30, 1977, in which, among other things, Justice Held ordered copies of all notes, etc., of the court appointed psychiatric team be given to the District Attorney. Mr. Gold (page 10) consented "that defense counsel receive copies of the identical material that we received.

Very truly yours,

SHELDON GREENBERG
First Assistant District Attorney

SG:yf
Encl:

May 9, 1978

Dr. David Abrahamsen
1035 5th Avenue
New York, New York

Re: David Berkowitz

Dear Dr. Abrahamsen:

On Monday, May 8th, 1978, subsequent to the defendant pleading guilty in all counties, Judge Corso released the transcript of the Competency Hearing held last month.

Accordingly, I am enclosing herewith a photocopy of the transcript.

Very truly yours,

SHELDON GREENBERG
First Assistant District Attorney

SG:yf
Encls:

December 15, 1977

Honorable Mario Merola
District Attorney, Bronx County
851 Grand Concourse
Bronx, New York 10451

Att: Alan D. Marrus
Head of the Appeals Bureau

RE: People -vs- Berkowitz

Dear Alan:

I am sending you herewith copies of the Affidavit and Memorandum of Law submitted by this office in the motion returnable December 15, 1977, at 2:00 P.M., in the United States District Court for the Eastern District of New York.

Very truly yours,

SHELDON GREENBERG
First Assistant District Attorney

SG:yf
Encls: