



MARIO MEROLA
DISTRICT ATTORNEY

OFFICE OF THE
DISTRICT ATTORNEY
OF BRONX COUNTY

DISTRICT ATTORNEY
KINGS COUNTY, N.Y.
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1978 MAY 17 AM 10:23

851 GRAND CONCOURSE
BRONX, N. Y. 10451
LU 8-9500

—D.A.—

May 16, 1978

Honorable Eugene Gold
District Attorney
Kings County
Municipal Building - Civic Center
Brooklyn, New York 11201

Dear *Eugene* District Attorney Gold,

Pursuant to the telephone conversation between my Assistant, James Shalleck, and your Chief Assistant, Mr. Keating on May 15, 1978, I want to inform you that diaries recovered at the time of arrest of David Berkowitz at his home in Yonkers revealed numerous fires committed by Mr. Berkowitz from 1974 through August, 1977 throughout New York City. Over 1000 of the recorded 1411 fire alarms occurred in Bronx County. However, our investigation reveals thirteen (13) fires were set in Brooklyn during this time period. Twelve (12) of these fires were of abandoned vehicles and one (1) was an outside rubbish fire. Information further received from the fire and police departments indicate no one has been arrested on any of these fires and no substantial property damage has resulted, nor had anyone been injured or killed to our knowledge.

I have recommended that the sentences to be imposed on the homicides in Bronx County cover all of the Bronx fires. With the strong possibility that a very substantial sentence will be imposed upon Mr. Berkowitz, it is apparent that prosecution of these fires would serve no public interest since the penalty for homicide far exceeds and covers any penalties that could result from the prosecution of these fires.

I strongly recommend that your office at the time of sentence covers these outstanding fires with the sentence to be imposed by Mr. Justice Corso on the homicide indictment.

Sincerely,

MARIO MEROLA
District Attorney

MM:bm



OFFICE OF THE
District Attorney
KINGS COUNTY

MUNICIPAL BUILDING • BROOKLYN, NEW YORK 11201

212 834-5000

EUGENE GOLD
District Attorney

May 17, 1978

HAND DELIVERED

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

Dear Mario:

I am puzzled by your letter of May 16th concerning fires allegedly set by David Berkowitz and the prior telephone call of your assistant James Shalleck.

You should be advised that the "diaries" were given to Mr. Shalleck by my First Assistant. Since you received the "diaries" from my office it was not your investigation which made us aware of their contents; indeed, there is evidence of 14 rather than 13 fires in Brooklyn. Furthermore, the "diaries" do not "reveal(ed) numerous fires committed by Mr. Berkowitz." I am sure you will agree that the mere listing of fires is not an admission of complicity in their occurrence. You may not be aware that Mr. Berkowitz was the owner of a four channel, 9 volt portable Fire Department Call Scanner from which the precise information recorded by him in his lists may well have been obtained. Since it is impossible for Mr. Berkowitz to have set a portion of the fires one must be careful of what one "covers" and what one says at the time of sentence.

Sincerely,