

# First Insanity Plea Filed Under New Law

By Steve Wick

Riverhead—In the first plea of its kind in the state, a Commack man charged with attacking a mailman with a hatchet said in State Supreme Court yesterday that he was not responsible for the attack "by reason of mental disease or defect."

The plea was made under a law that went into effect Sept. 1, designed to tighten procedures surrounding the handling of the criminally insane. If such a plea is accepted, the case is not tried by a jury. Formerly, it was up to the jury to decide if a defendant was innocent by reason of insanity. The change was one of several made in the state penal code after the murder of Ewa Berwid, slain in December in her Mineola home, allegedly by her ex-husband, Adam, an inmate of Pilgrim Psychiatric Center who was free on a one-day pass.

Peter Von Husen, 28, of 6 Parkview Dr., used a provision of the law to enter his plea before Justice

Joseph Corso. Von Husen was arrested in October of last year and charged with attempted murder. Police said he attacked Warren McDougall of Smithtown with a hatchet after McDougall knocked on Von Husen's door to deliver some letters.

According to court papers, Von Husen believed the government was "out to get him" by electronic brainwashing. McDougall was treated for a back wound but did not receive permanent injuries.

The plea can only be used if all parties—the defendant, his lawyer, the prosecutor and the judge—agree on it. Also, at least four psychiatrists must examine the defendant and find him incompetent to stand trial.

Prosecutor Edward Volz said a psychiatrist appointed by the district attorney's office, another by Von Husen's attorney, Floyd Sarisohn, and two by the court found Von Husen to be acutely psychotic and schizophrenic. Volz said that the finding pre-

cluded any possibility of Von Husen standing trial on the attempted murder charge.

Volz said a hearing will be held later, after Von Husen has been examined further, to determine where he will be held and for how long.

Another provision of the new law requires that a person committed to a facility for the criminally insane cannot be transferred, released or furloughed without a court order and without the district attorney's office first being notified. The district attorney then has the authority to conduct a hearing on the question. Nassau District Attorney Denis Dillon was extremely critical of Berwid's being given a pass.

Sarisohn predicted that the law would be seldom used, because it requires all sides to agree on a defendant's mental capacities. A spokesman for the State Office of Mental Hygiene said the plea was the first in the state under the new law.