

Willowbrook transfer made him unhappy, so...

By RAYMOND WITTEK

A 33-year-old former resident of Willowbrook State School who said he had deliberately committed a crime so that he could be transferred to Beacon State Hospital, where he had known his happiest moments, was sentenced yesterday to a state prison term of up to three years.

But Supreme Court Justice Vito J. Titone made it clear that he was imposing the prison sentence only because his hands were legally tied and that it appeared the only way that the defendant could be returned to Beacon.

Michael Bierman, who was arrested under the name of James Rossy and listed a Manhattan address, had endeared himself to court personnel and attorneys with his jovial, outgoing manner during his court appearances.

On one occasion, the judge learned that Bierman was due to celebrate his birthday. When Bierman next appeared in court, the judge had a birthday cake waiting for him and everyone in the courtroom — judge, assistant district attorneys and court personnel — joined in singing "Happy Birthday."

HAD NO MONEY

Another time, Bierman told the judge he had no money to make purchases at the commissary when he returned to a house of detention that night. Again, all in the courtroom chipped in.

Titone and Bierman's attorney, Felix Gilroy of the Legal Aid Society, had done their utmost to have Bierman committed directly to Beacon, but they were stymied by the law.

Accordingly, the judge and Gilroy worked out what they hoped would be a legal device to achieve that same end.

In sentencing Bierman, Titone directed that the state Correction Department commence a proceeding to have Bierman declared unfit for prison since he was mentally retarded and have him com-

mitted to the Beacon institution.

Assistant District Attorney James Murphy indicated that the district attorney's office supported the efforts of Titone and Gilroy to have Bierman sent to Beacon.

The judge also said he will recommend legislation to fill what he obviously regarded as a loophole in the law.

Specifically, Titone said he will seek to have judges empowered to sentence defendants directly to mental institutions if the defendant cannot function normally because of a low intelligent quotient, even though he has been found mentally competent to stand trial.

TRANSFERRED

Bierman has an IQ of 39, far below normal, and has been institutionalized since he was 6 years of age.

After residing at various institutions, including Willowbrook, Bierman was sent to Beacon in 1969, where he worked as a porter. Last February he was transferred back to Willowbrook.

Bierman told authorities someone had informed him that only a judge could help him to return to Beacon. He was refused permission at Willowbrook to go before a judge.

He reasoned that the quickest way to see a judge was to

commit a crime.

Accordingly, court sources said, he escaped from Willowbrook a short time after his arrival and knocked on the door of Mrs. Jennie Proto's home at 43 Grissom Ave., a short distance from Willowbrook, last Feb. 8.

Mrs. Proto fled when she saw that he appeared to be armed with a stick and a knife, even though he told her: "Don't be afraid. I'm not going to hurt you."

Bierman told authorities he deliberately set about ransacking the house, including breaking a bay window, dishes and furniture. "To make sure I did it right, I even broke the TV," he admitted.