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# Attorneys ask trial be moved because of pre-trial publicity

Margaret Zack, Star Tribune

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Citing an "avalanche of press coverage," defense attorneys asked Tuesday that the trial of the woman accused of shooting two people at the Hennepin County Government Center be moved to another county.

The lawyers' motion said recent newspaper and radio coverage about the Susan R. Berkovitz case have been "worse than inflammatory. They are incendiary."

Berkovitz, 53, is charged with first-degree murder in the death of her cousin Shelley Joseph-Kordell, 56, of Minnetonka and with attempted first-degree murder in the wounding of Joseph-Kordell's attorney, Richard Hendrickson, 53, of Crystal on Sept. 29.

Berkovitz was upset with Joseph-Kordell's handling of the estate of Berkovitz's father. Joseph-Kordell had been appointed conservator.

The change-of-venue motion filed by Berkovitz's attorneys, Daniel Homstad and Diana Lugo, said that because of the pre-trial publicity, "readers now know that, in addition to having a troubled past filled with threats and erratic behavior, Ms. Berkovitz has confessed to the crimes at issue."

The publicity has poisoned the potential jury pool to the extent that Berkovitz cannot possibly receive a fair trial in Hennepin County, they said.

In their motion, the attorneys refer to an "atmosphere of a Roman holiday for the news media."

The court documents list 23 articles -- 16 in the Star Tribune, four in the Pioneer Press and three broadcast on Minnesota Public Radio.

"Together these articles paint a picture of a disturbed woman who acted with premeditation in shooting two people. They sow fear into people who work or have business in the Government Center each day," the motion said.

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The attorneys asked that the trial be moved to a city where there would be less media coverage. They suggested Red Wing, Faribault or Owatonna.

Rules of criminal procedure say a change of venue should be granted "whenever it is determined that the dissemination of potentially prejudicial material creates a reasonable likelihood that in the absence of such relief, a fair trial cannot be had."

Hennepin County Attorney Amy Klobuchar said her office opposes moving the trial.

"We believe [Berkovitz] can receive a fair trial in Hennepin County. Any preconceived notions of jurors can be revealed during jury selection," Klobuchar said.

She pointed out that there are high-profile trials in the county every year. Concerns about having the trial in the building where the shootings happened have been addressed by moving the April 26 trial to the Family Justice Center, Klobuchar said.

District Judge Thorwald Anderson will hold a hearing on the change-of-venue motion on Monday.

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