

## Harriet Berne Kavalewitz admits abducting sons

By Dede Murphy

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As part of a plea bargain agreement that includes settling five civil suits and withdrawing her request for visitation rights, Harriet Berne Kavalewitz yesterday pleaded guilty in Monroe County Court to abducting her two sons.

Kavalewitz is the former wife of Eastridge High School principal Dale Berne. She flew to Rochester from Houston yesterday with her husband, Michael Kavalewitz, to enter her plea before Monroe County Court Judge Culver K. Barr.

Barr set sentencing for Aug. 27, although Kavalewitz won't have to appear in court at that time. Barr agreed to accept a recommendation by assistant Monroe County District Attorney Howard Relin that Kavalewitz be placed on

three years' probation to be supervised by authorities in Houston, where she now lives.

Berne, who attended yesterday's court proceedings with his wife, Delores, and his lawyer, Stephen Pheterson, said the sentence isn't harsh enough.

"I'm relieved my two sons won't have to testify but I think the penalty should be more severe for child stealing — in these cases generally and in this one," Berne said.

Kavalewitz rushed from the courtroom when the proceeding was over, and she refused comment.

In exchange for her guilty plea, Relin agreed to drop the felony charge of first-degree custodial interference with which she originally was charged. That charge carries a maximum penalty of up to four years in prison.

Instead, she was allowed to plead guilty to second-degree custodial interference, a misdemeanor that carries a maximum sentence of one year in jail.

"We believe it is in the best interests of the children not to go to trial," Relin told Barr.

Kavalewitz was accused of abducting her two sons Aug. 2, 1979, after losing custody to her ex-husband, Berne. Authorities arrested her more than two years later in Houston, where she and the boys were living under assumed names.

The children, Scott, 12, and Mark, 7, would have been required to testify at Kavalewitz's trial.

Pheterson and Alfred P. Kremer, Kavalewitz's lawyer, confirmed the five civil suits Berne, Kavalewitz and Kavalewitz's parents filed against each other have been settled, but neither would reveal details.

Pheterson also said Kavalewitz agreed to withdraw her Monroe County Family Court petition seeking visitation with her sons, whom she hasn't seen since they were returned to their father's custody Sept. 1.

Kavalewitz returned to Houston yesterday, where she is an elementary school teacher.