

Mother says she'll plead guilty in Berne case

By CHRIS LAVIN
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Harriet Berne Kavalewitz, the former wife of East-ridge High School Principal Dale Berne, today said she will plead guilty in Monroe County Court Monday to a reduced charge of second-degree custodial interference, a misdemeanor.

Mrs. Kavalewitz' attorney, Alfred Kremer of Rochester, said his client has agreed to plea to the lesser charge should the judge, Culver Barr, agree to a sentence of three years of unsupervised probation.

The district attorney's office has agreed to the lesser charge and sentence.

Mrs. Kavalewitz will be required to report periodically to probation officials in Houston, Texas, where she now lives.

Mrs. Kavalewitz was originally charged in 1982 with first-degree custodial interference for allegedly taking her two sons — Scott, now 12, and Mark, 7 — in 1979. Berne had legal custody of the children when they were taken.

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Howard Relin, first assistant district attorney, said second-degree custodial interference carries possible penalties of a year in jail, \$1,000 fine or three years probation.

The first-degree charge carried possible penalties of four years in state prison, a \$2,000 fine or five years probation, Relin said.

The children were found in August, 1981, living with their mother in Houston Texas under assumed names. The children were returned to Berne's custody.

Mrs. Berne was arrested in Texas and returned to Monroe County where she was charged with first-de-

gree custodial interference.

Relin said his office agreed to the reduced charge because any trial would have necessitated testimony from Berne's children.

"It could have been a very disturbing experience for them," Relin said.

The Berne case received national attention as the first test of the federal Parental-Child Kidnapping Act of 1980. That act, Relin said, prevented Mrs. Berne from suing for custody in Texas. It allows the state from which the children were taken — rather than the state they were taken to — to have jurisdiction.

"If it weren't for that law, they would still be litigating the custody case out there," he said.