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### **DA: FATAL PROMISE CAME TRUE TRIAL BEGINS IN '93 RESTAURANT SLASHING**

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**In** 1993, Mark Bernstein warned his mother-**in**-law that he would slash his wife's throat with a razor if she ever left him, the prosecutor said.

"That was no idle threat," Assistant District Attorney Evan Silverstein said. "That was a **promise.**"

After the couple split up a few months later, and his wife, Donna, 24, had obtained a court order to keep him away from her, Bernstein, 25, carried out his threat **in** a "chilling and frightening way," the prosecutor told the jury at the start of Bernstein's murder **trial** yesterday.

On Dec. 22, 1993, Bernstein entered the rear door of a closed Seafood America take-out **restaurant** on Frankford Avenue near Shelmire Street while his wife was working, walked up behind her and slashed her throat, face and scalp with a razor blade, killing her.

"This is not about who killed Donna Bernstein," defense lawyer Paul J. Hetznecker told the jury. "Mark Bernstein killed his wife. The question is why."

As Bernstein, of Teesdale Street near Erdrick, sat with folded hands, staring at the defense table, Hetznecker told the jury that his client was "despondent" after the separation, and began using drugs and drinking heavily.

The lawyer said Bernstein was too intoxicated to form the intent to murder. He urged the jury not to return a first-degree murder verdict, and instead convict him of a lesser degree of homicide.

"Does a person who intends to kill do it **in** full view of 15 witnesses?" asked Hetznecker.

About a dozen horrified employees leaped on Bernstein and subdued him.

Madeline Schwartz, who represented Donna Bernstein **in** her abuse order against her husband, was the first witness called by Silverstein.

Schwartz said just before a Dec. 1 hearing **in** Family Court, Bernstein asked to talk to his wife, but she refused.

"He went wild," said Schwartz. "He told me **in** a rather loud voice, 'You tell her if she ever thinks she's going to ever . . . get away from me, I'll kill her first.' "

The **trial** before Common Pleas Judge Jane Cutler Greenspan is expected to last about two weeks.

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