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# Appeals Court Adjusts Death Date in Case of Robert Durst's Wife

According to court papers, Robert Durst was the last person to see his wife alive on Jan. 31, 1982, and admitted to getting into a physical altercation with her before she disappeared.

By Andrew Denney | May 30, 2018

Citing a “high likelihood” that the wife of real estate scion Robert Durst, who has been accused by her family of killing her but has never been charged in the matter, died on the day of her 1982 disappearance, an appeals court has reversed



(<https://images.law.com/contrib/content/uploads/documents/389/32439/Durst-Appellate-Division-Decision-and-Order.pdf>) a surrogate's finding that she died in 1987.

### According to court papers

(<https://images.law.com/contrib/content/uploads/documents/389/32439/Kathie-Durst-Appellate-Brief.pdf>), Robert Durst was the last person to see his wife alive on Jan. 31, 1982, and admitted to getting into a physical altercation with her before she disappeared.

The ruling by a panel of the Appellate Division, First Department, reverses a one-page determination last year by Manhattan Surrogate Nora Anderson that Kathleen Durst died in 1987.

The appeals court found that Kathleen Durst's estate presented "clear and convincing" evidence that the date of her disappearance was the most probable date of her death, including that she disappeared with seemingly no explanation without her car or her personal effects.

Kathleen Durst's sisters testified that they were close with her, that it would be "inconceivable" that she would cut off contact with family and friends, and that she was two months away from graduating from Mount Sinai Medical School.

Justices Rosalyn Richter, Richard Andrias, Troy Webber, Ellen Gesmer and Peter Moulton joined in on the unanimous ruling, which was issued on May 24.

Robert Abrams of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara Wolf & Carone, who represents Kathleen Durst's family, said in an interview that rolling back the date of Kathleen Durst's death by five years is one piece of evidence gathered for a civil case that could eventually be turned over to a district attorney in New York for a criminal prosecution.

"It's time for all of the people who helped Durst to be accountable for his shameful acts," Abrams said.

Joshua Siegel of Kasowitz Benson Torres appeared for Robert Durst in the appeal for the surrogacy matter. He did not immediately respond to a request for comment.

Robert Durst was tried for the killing of Morris Black, his neighbor when he was living in Texas, but was acquitted of murder on self-defense grounds; he is now awaiting trial in California for the killing of friend Susan Berman.

In the Berman case, prosecutors in Los Angeles allege (<http://www.latimes.com/local/lanow/la-me-ln-durst-murder-case-kathleen-20180416-story.html>) that Robert Durst killed Berman because he feared she would turn over evidence that he killed his wife to the Westchester County District Attorney's Office.

Robert Durst was the focus of a six-part 2015 HBO series "The Jinx: The Life and Deaths of Robert Durst," and was caught on a hot mic during the taping of the show's finale allegedly admitting to the killings.

"You're caught," Durst is heard saying. "What the hell did I do? Killed them all, of course."

Following the revelation, Robert Durst was arrested in Louisiana on suspicion of murdering Berman.

Also after the arrest in the Berman case, Kathleen Durst's family filed a civil suit in Nassau County Supreme Court alleging that Robert Durst killed her and disposed of her body. The suit seeks \$100 million in damages for the loss of their right to bury their loved one.

Robert Durst, according to court papers filed by Kathleen's family, has admitted to routinely subjecting her to physical assault.

An investigative firm that Robert Durst hired after his arrest has also filed suit in Manhattan Supreme Court, claiming \$165,000 in unpaid bills.

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