

# Earlier Life-Penalty Plan Could Be Key to Keep Sirhan Alive

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Although their intentions have never been in doubt, prosecutors now have formally asked that the jury return a verdict of first-degree murder against Sirhan Bishara Sirhan.

If they get what they want, the only remaining question will be one of penalty—death or life imprisonment.

That decision would be made by the same jury in a separate penalty trial.

Both the prosecution and the defense at that time will have an opportunity to submit additional evidence and offer arguments.

The prosecution's presentation would focus on any matters which would tend to aggravate the crime.

The defense, on the other hand, would seek to get before the jury anything which might mitigate—or favor—Sirhan's position.

A major factor during the penalty proceedings may be the proposed arrangement early in the trial which would have permitted Sirhan to plead guilty to first-degree murder with life in prison.

If Sirhan is convicted of murder in the first-degree, that might be the best weapon the defense has to save Sirhan's life.

Because of this, defense attorneys Grant B. Cooper, Emile Zola Berman and Russell E. Parsons most likely will attempt to bring the matter to the attention of the jury,

possibly by some one from the district attorney's office—perhaps even Dist. Atty. Evelle J. Younger—to testify about the plea bargaining discussions.

This could present an awkward situation to the prosecution and it already has led to reports that Chief Dep. Dist. Atty. Lynn D. Compton and Dep. Dist. Attys. John E. Howard and David N. Fitts will not "demand" the death penalty.

But the death penalty is seldom demanded anyway. Usually, in proper cases, juries are "urged" to bring in such a verdict.

The prosecution, however, may even find it difficult to go that far because it once was willing to settle for life.

When Superior Judge Herbert V. Walker rejected the plea agreement it opened the way for the jury to hear all the evidence in the case.

And that jury may now decide, without any urging from the prosecution, at least in so many words, that the only penalty for the heinous crime of assassinating a possible President of the United States is death.

If the jury votes the death penalty, it could be reduced to life in prison by Judge Walker. But a verdict of life imprisonment by the jury is binding on the court.

All sentences of death are automatically reviewed by the State Supreme Court.