

FTN-RFK

# Lawyer Says Ballistics Expert Erred in Sirhan Investigation

BY DAVE SMITH  
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Criminalist DeWayne A. Wolfer was accused Friday of making errors and violating procedure in the ballistics investigations of the Sen. Robert F. Kennedy assassination, the Jack Kirschke murder case and the Doyle A. Terry murder case.

The charge was made by attorney Barbara Warner Blehr in an effort to block Wolfer's appointment as permanent head of the Los Angeles Police Department crime laboratory.

Mrs. Blehr's charges raise the question of whether a second gunman might have fired shots in the Ambassador pantry on June 5, 1968, and then escaped unnoticed as Sirhan Bishara Sirhan was tackled by friends of the mortally wounded senator.

In a four-page letter to the Civil Service Commission, Mrs. Blehr accused Wolfer of violating four separate precepts of investigative procedure in the Kennedy investigation and alleges that Wolfer never actually fired the gun wrested from Sirhan's grip. She asserts that Wol-

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listics investigation before making any comment.

With her letter to the Civil Service Commission, Mrs. Blehr sent six photographs and three affidavits, signed by criminalists LeMoyne Snyder, Raymond H. Pinker and Walter Jack Cadman, supporting her contentions.

Two of the photographs are of exhibit 55 from the Sirhan trial. That is an envelope containing three bullets purportedly fired from Sirhan's gun, but also bearing, in Wolfer's handwriting, the notation that Sirhan's gun bore the serial No. H18602.

Trial records show that the gun taken from Sirhan bore the serial No. H53725.

### Gun Destroyed

The test shots were made on June 6, 1968, and a third photograph is of a message from the Bureau of Criminal Identification and Investigation in Sacramento, noting that gun No. H18602—the one identified in testimony as the gun used in the ballistics tests—was destroyed by the LAPD sometime in July, 1968, only a month after the murder of Kennedy.

"The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime," Mrs. Blehr said. "Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet?"

The investigation upon which Mrs. Blehr's char-

ges were founded was done by criminalist William W. Harper of Pasadena.

Harper, 69, has testified in numerous trials in Los Angeles over the last three decades, including the Kirschke trial, in which his testimony contradicted that of Wolfer. Harper contended that Kirschke could not have murdered his wife and her lover.

### Sentenced to Die

Sirhan and Doyle Terry are now under a sentence of death. Kirschke was, but the sentence later was changed to life in prison. Terry was convicted of the slaying of Long Beach police officer Vernon J. Owings in 1960.

Mrs. Blehr's letter accuses Wolfer in one case—not the Kennedy investigation — of "scurrilous tampering . . . in a vain attempt to make the physical evidence support the prosecution's theory of the murder . . ." charging that he "made physical alterations of certain inscriptions on three rifle cartridge cases . . ."

Regarding the alleged errors in the Kennedy investigation, Mrs. Blehr states: "I find it very hard to believe that a man of the professed expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an overzealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other."

fer test-fired a different gun entirely, and that that gun, in fact, did match at least three bullets removed from victims of the affray.

Wolfer, asked by The Times for his reaction, said, "I honestly can't understand this. I'll swear on a stack of Bibles I've done nothing wrong and I'll stand behind my work in a court of law."

Chief Dep. Dist. Atty. John Howard said his office would review the Sirhan trial transcript and the bal-

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*How's that for a strong denial! on a whole STACK!*