

Sirhan's Fate May Hinge on

LOS ANGELES (AP) — Sirhan Bishara Sirhan's attorney may rely on a little used and controversial defense tactic to try to reduce the penalty his client would face if convicted of killing Sen. Robert F. Kennedy.

The 24-year-old Sirhan pleaded innocent to the murder charge yesterday but attorney Russell E. Parsons reserved the

right to make new motions within 35 days. Under California law, one option available is the defense of "diminished capacity," or partial insanity.

IF EMPLOYING this tactic, the defense would try to show through psychiatric evidence that because of a mental disease or defect the defendant

could not form the specific intent, malice and premeditation required for conviction of first-degree murder.

Until 1949 California courts had ruled against the defense in the use of such a device, holding that insanity is either a full defense requiring a plea of innocent by reason of insanity, or no defense at all. Decisions since

1949 have made the defense feasible. It would not result in acquittal if successful, but would reduce the charge to second-degree murder or manslaughter.

At Sirhan's 22½-minute court appearance yesterday, the Jordanian immigrant's trial was set for Nov. 1. After Sirhan entered his plea Parsons said he did not know if his client is sane. He

AUGUST 3, 1968

Rare Tactic

said he still is studying reports by two defense psychiatrists and is waiting for his client to have his brain X-rayed.

THE COURT was convened in a special facility on the 13th floor of the hall of justice, about 50 feet from Sirhan's isolated cell. Sirhan's mother and three of his four brothers were in the

make-shift courtroom.

When asked how he wished to plead, he replied in a loud, clear voice: "Not guilty."

He also pleaded innocent to five counts of assault with a deadly weapon and with intent to commit murder. Five other persons were wounded in the fusillade of shots that killed Sen. Kennedy last June 5 at the Ambassador Hotel.