

Post 8/3/68
**Innocence
Plea Filed
By Sirhan**

By Ron Einstoss
Los Angeles Times

LOS ANGELES, Aug. 2—Sirhan Bishara Sirhan pleaded not guilty today to murder in the June 5 slaying of Sen. Robert F. Kennedy.

A trial date of Nov. 1 was set by Superior Judge Richard Schauer.

Although Sirhan entered a plea of innocence, it does not necessarily mean he is denying his guilt.

He is charged with murder, with malice aforethought.

A guilty plea would have been an admission of first-degree murder—a wilful, deliberate and premeditated killing, with malice aforethought—which carries the death penalty or life in prison.

The only way for a defendant to have a determination made of the degree of murder—unless he specifically is charged with second-degree or manslaughter—is to be tried, either by a jury or a judge sitting without a jury.

This apparently is what Sirhan, in the face of seemingly weighty eyewitness and circumstantial evidence against him, did.

At a news conference that followed the 24-year-old Jordanian immigrant's appearance in court, Russell E. Parsons, Sirhan's attorney, seemed to confirm this when he said:

"I haven't seen any evidence yet that he (Sirhan) had any malice . . ."

Parsons also said a not guilty plea "permits us to show the what and why—what

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are the real issues . . . if he is the man, why did he do it."

Sirhan, as had been anticipated, chose not to enter a so-called double plea of not guilty and not guilty by reason of insanity. This could have required three trials. The first, to determine whether he was guilty and the degree

of guilt. A second, if convicted of first-degree murder, to fix the penalty and a final hearing (if convicted) to determine his sanity.

Parsons still could later (before the trial) legally add a plea of not guilty by reason of insanity.

The veteran defense attorney explained out of court that by pleading not guilty, it does not mean that two court-appointed psychiatrists found that his client was legally sane.

However, he added that he has never entered only a single plea of not guilty when psychiatrists unanimously said a client of his was legally insane.

If the prosecution is successful in showing that Sirhan fired the fatal shot, Parsons can seek to lower the degree of murder from first degree by:

1—Putting on evidence that

the crime was not deliberate or premeditated, which would make it second degree (punishable by five years to life in prison) or that there was no malice that would make it manslaughter (a maximum of 15 years in prison).

2—Invoking the defense of diminished capacity, also known as partial insanity.

In using the latter defense Parsons would be attempting to show through psychiatric evidence that because of some mental disease or defect Sir-

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

This defense does not result in an exoneration, only in a reduction of the degree (to second or manslaughter), depending on the extent to which mental disease can be shown.

Sirhan, appearing in court for the fifth time, also pleaded not guilty to feloniously assaulting five other persons wounded during the election night shooting spree at the Ambassador Hotel.

Judge Schauer withheld until Oct. 4 the naming of a judge to preside over the case.

In pleading, Sirhan was emphatic.

Asked how he wished to plead, in a loud and clear voice, Sirhan said:

"Not guilty."

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Associated Press

Sirhan Bishara Sirhan listens to his attorney, Russell E. Parsons, as they leave Superior Court in Los Angeles, where

Sirhan pleaded not guilty to the charge of murdering Sen. Robert F. Kennedy. A trial date was set for Nov. 1.