

Court OKs Rules for New Look at Kennedy Evidence

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Procedures for reexamining ballistics evidence in the Robert F. Kennedy assassination case were approved by the court Thursday and a retesting by seven experts was ordered to begin Sept. 22.

Superior Judge Robert Wenke accepted the ground rules at the conclusion of a two-hour hearing after turning down a move by Los Angeles Police Department criminalist De- wayne Wolfer to block the new tests.

Wolfer's attorney, George Franscell, opened his argument by saying he was appearing at the hearing "to protect the reputation of a well-known and internationally respected criminalist."

Franscell said it was not Wolfer's position to oppose retesting per se.

but Wolfer holds that the reexamination should not be conducted because he believes the integrity of the exhibits could not be assured at this time.

Wenke still declined to rescind his Aug. 14 order, which directed that the bullets in the case be reexamined and that the gun of convicted assassin Sirhan B. Sirhan be refired, if necessary.

Wenke issued the order in response to petitions by the Columbia Broadcasting System and Paul Schrade, one of five persons wounded the night Kennedy was shot down in the Ambassador seven years ago.

There has been increasing speculation that more than one gun was fired in the hotel pantry when Ken-

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*Friday Sept 12, 1975
L.A. Times*

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nedly was fatally shot and the proposed tests are intended to settle that question, among others.

The ground rules approved Thursday were hammered out between a battery of 13 attorneys representing CBS, Schrade, Sirhan and the offices of the attorney general, district attorney and county counsel.

In denying Wolfer's request that the retesting not be permitted, Wenke pointed out to Franscell that the agreed-upon procedures include provisions dealing with the integrity of the exhibits.

Specifically, one of the questions facing the experts who will conduct the tests is:

"Is the condition of the exhibits at the present time such that a reliable firearms identification can now be made?"

If the answer to that question is no, the experts are to report on "what accounts for that conclusion."

Another key question facing the experts is:

"Do the exhibits in any way support a conclusion that a second weapon was fired at the time of the assassination?"

Dep. Dist. Atty. Dinko Bozanich also asked that there be a full hearing on how the county clerk's office has handled the exhibits.

Wenke delayed any ruling on this request but agreed to study a 700-page transcript of 1971 county grand jury proceedings into charges that the clerk's office was negligent in protecting the Sirhan trial exhibits.

The judge then ordered another hearing for next Tuesday and issued a subpoena for Wolfer to have the criminalist identify crucial exhibits in the case. Wolfer also was directed to bring all of his records on the ballistics tests he conducted.

"We intend to question Mr. Wolfer at some length on what he did and did not do in conducting such tests," attorney Meldon Levine, representing Schrade, told reporters after the hearing.

Godfrey Isaac, Sirhan's attorney, informed Wenke that he had discussed the scheduled retesting and

that Sirhan gave his consent to the proposed procedure. "Naturally, he is very interested in the outcome," Isaac said.

Sirhan's lawyer nominated Charles V. Morton of the Institute of Forensic Sciences in Oakland to serve on the panel of experts. The appointment of Morton, who is president of the California Assn. of Criminalists, was approved by the other attorneys.

He will serve on the panel with Cortland Cunningham of the FBI, Alfred E. Biasotti of the California Department of Justice, former Santa Clara County crime laboratory director Lowell Bradford, Minneapolis criminalist Stanley O. Berg and Dr. Ralph F. Turner, a police science professor at Michigan State University.

Donald Champagne of the Florida Department of Law Enforcement also had been selected as a member of the panel but he has informed the court that he cannot serve. A replacement is expected to be named next week.