

By DOUGLAS ROBINSON
Special to The New York Times

4/9/69

LOS ANGELES, April 8—The murder trial of Sirhan B. Sirhan moved toward a conclusion today as the last witness was heard and the defense and prosecution both rested their cases.

Closing arguments in the trial, which has gone on for almost 14 weeks, are expected to continue until Friday or Monday. All three prosecution lawyers and the three lawyers for the defense are planning to speak.

The arguments will start tomorrow morning when David N. Fitts, an assistant district attorney, opens for the prosecution.

As both sides rested, Sirhan asked Russell E. Parsons, a defense attorney, "Is this it?" "What happens now?" Mr. Parsons bent over and whispered in the defendant's ear.

The jury of seven men and five women heard 61 prosecution witnesses and 29 for the defense.

The last witness was Dr. Leonard B. Olinger, a clinical psychologist at the University of Southern California, who continued to take exception to the interpretation of other experts about the mental state of Sirhan.

Calls Suspect Capable

Dr. Olinger, under intense cross-examination by Grant B. Cooper, the chief defense lawyer, stuck to his contention that Sirhan had been mentally capable of planning and carrying out the fatal shooting of Senator Robert F. Kennedy last June 5.

The psychologist insisted that for reasons of their own, the psychologists and psychiatrists who had diagnosed Sirhan as a schizophrenic paranoid psychotic had been mistaken in their evaluation.

Dr. Olinger, who volunteered his services to the state after reading and disagreeing with medical testimony as reported in newspapers, even suggested that the two psychologists who evaluated the results of a battery of personality tests given Sirhan had graded them on the basis of preconceived ideas.

Other experts who checked the findings of the two psychologists, Dr. Olinger said, did not have "the same material that I had" in reaching a conclusion. He did not describe the material.

The psychologist maintained that the other experts, had they been given "all the information," would have arrived at a different diagnosis. However,

he indicated that the main fault lay with Dr. Martin M. Schorr and Dr. Roderick Richardson, who evaluated the tests in the first place.

Under Mr. Cooper's relentless questioning, Dr. Olinger conceded that he "believed he could be of help" to the prosecution on the basis of reading news reports about the trial and that he had never had any access to the test material until he had volunteered his services.

Concedes Personal Bias

He also agreed with Mr. Cooper that he was biased in the state's favor, although he contended that he had allowed for that feeling in making his own diagnosis.

Yesterday, Dr. Olinger said that Sirhan, rather than suffering from schizophrenic paranoia as diagnosed by the other experts, was actually a "pseudoneurotic schizophrenic," a diagnosis that he said did not appear in any of the psychological manuals.

"I thought I could help justice by giving information to the prosecution," Dr. Olinger told the court. He said that he knew the state needed someone to counteract the testimony of both Dr. Schorr and Dr. Richardson.

After Dr. Olinger was excused, Mr. Cooper and John Howard, an Assistant District Attorney, both told Superior Court Judge Herbert V. Walker that they rested their cases. Judge Walker then excused the jury so that court personnel could work on the exhibits, preparing them for presentation to the panel.

In the late morning, the lawyers for both sides met with Judge Walker in his chambers to discuss the instructions that the judge will give the jury after closing arguments have been heard.

The state has already said it will not seek the death penalty for Sirhan but will press instead for life imprisonment.

Outside the courtroom, Mr. Cooper, in an interview, said that "the proper verdict would be second degree murder."

"A proper verdict under the law, however," he continued, "would be manslaughter. The testimony of all the psychiatrists and psychologists is to the effect that this man can be and demonstrated that he's dangerous."

"He's mentally ill and the experts say he will deteriorate," he said. "I don't think he should be locked up in jail for several years and then released."

THE NEW YORK TIMES,

Both Sides Rest in Sirhan Trial; Summations May End on Friday