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Suspect Pleads Guilty In Shooting of Stennis

By Timothy S. Robinson
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Tyrone Marshall, 19, pleaded guilty yesterday to the Jan. 30 robbery and shooting of Sen. John C. Stennis (D-Miss.).

The plea, entered under a 1971 Supreme Court ruling that permits Marshall to continue to maintain his innocence while asserting merely that the weight of the government's evidence against him is too strong, came after five days of testimony about Marshall's alleged participation in the crime.

Marshall's plea, made in open court but outside the presence of the jury, followed his being told that the government had granted complete immunity to a codefendant in the case, Derick Holloway, and that Holloway would be taking the stand against him.

Holloway, the alleged driver of the getaway car whose testimony the government felt was essential to convict Marshall, the alleged gunman, can no longer be prosecuted for the crime.

Holloway, according to government prosecutors, was prepared to tell the jury in detail how he, Marshall and Marshall's brother John drove around Northwest Washington for nearly an hour on Jan. 30 looking for a possible robbery victim.

Tyrone Marshall's guilty plea was accepted by U.S. District Judge Joseph C. Waddy over the objections of government attorneys, who contended that the judge had the option of having the trial continue for what they now felt would be a sure jury verdict of guilty.

However, Judge Waddy said

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he interpreted the law to mean that he had no discretion other than to accept the plea by Marshall. He then called in the jury and told the panel that the case had been disposed of.

The plea, known as an Alford plea, based on the Supreme Court case that allows it, has been used increasingly in criminal cases. In many instances, the plea is entered in an attempt to avoid long sentences, such as in the Alford case itself, in which the defendant entered a plea to second-degree murder rather than face a possible death penalty on a first-degree murder charge.

Prosecutors said they could see no advantage to Marshall's entering such a plea in this case, however, since he pleaded guilty to all eight counts charged in the indictment. Three of those counts carry life sentences, which could be imposed consecutively.

However, Marshall also is eligible for sentencing under the Youth Corrections Act. Under that act, which is available to anyone under 22 years old, Marshall could be released at any time the corrections department decides that he has been rehabilitated, providing the judge invokes the act.

John Marshall entered an Alford plea to the charges in the case five days before his 22d birthday this spring so the Youth Corrections Act could be considered in connection with his sentencing, which is scheduled for Wednesday.

Yesterday's surprising development followed a two-hour meeting in Judge Waddy's chambers attended by defense attorney R. Kenneth Mundy and prosecutors Roger Adelman and Stephen W. Grafman before testimony was resumed in the trial which began Oct. 1.

Mundy said he has discussed the matter with his client and his client's father and had advised them of Holloway's intention to testify, telling them that he had interviewed Holloway for more than two hours.

"I told them I was satisfied that with the testimony of Holloway, the defendant's chances of overcoming the evidence would be virtually nil . . ." Mundy told the court by way of explaining why he advised Marshall to enter a guilty plea. "The plea would not be entered without the testimony of Holloway."

SEN. JOHN C. STENNIS
. . . no comment

Grafman objected to the equivocal nature of an Alford plea, saying Marshall "should acknowledge under oath his complicity and involvement" with the crime. At this point, as well, he argued to the judge that the plea did not have to be accepted.

But Judge Waddy disagreed, bringing Marshall to the front of the court for the formal procedure of accepting his plea.

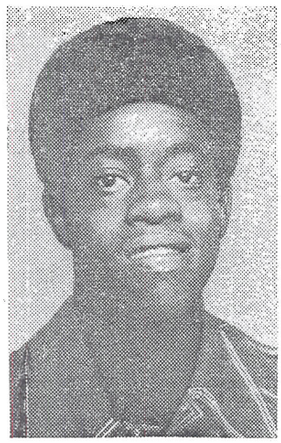
Waddy read to Marshall the eight federal and local counts on which he was charged: attempt to kill a member of Congress, attempt to assault a member of Congress, armed robbery, robbery, assault with intent to kill while armed, assault with intent to kill, assault with a dangerous weapon and carrying a dangerous weapon.

He was advised that by entering the plea, he would be waiving such constitutional rights as his right to a full trial, and his right to an appeal.

When Marshall acknowledged that he knew his plea would have that result, Waddy asked prosecutor Grafman to tell the court what additional evidence Holloway would provide.

Grafman presented the following chronology of the night of Jan. 30, as he said Holloway would describe it on the witness stand:

About 6:15 p.m., Holloway left his home on South Dakota Avenue and went to



TYRONE MARSHALL
. . . changes plea

the home of the Marshalls on 13th Street NE. He showed Marshall's brother John the gun that the government subsequently had placed in evidence earlier in the trial.

Tyrone Marshall came out of the house, saw them admiring the gun, and said, "Let's go riding," which the other two understood to mean that they should go out and commit a robbery, the court was told.

They left 13th Street in Holloway's mother's Dodge Dart Swinger, went along Sargent Road, South Dakota Avenue, Riggs Road, Missouri Avenue, Georgia Avenue and Military Road to Connecticut Avenue, where they began looking for a "hit," Grafman continued the account.

They drove around Chevy Chase Circle into Maryland, and came back down Connecticut Avenue, with Tyrone Marshall, it was said, continuing to look for a suitable subject for a robbery.

At the corner of Connecticut Avenue and Cumberland Street NW, Marshall saw an elderly woman about to enter an apartment building and told Holloway to turn onto Cumberland, Grafman continued.

By the time the car had changed course, however, the woman had already entered the apartment building.

About that time, a car being driven by an elderly white man—who turned out to be Stennis—passed them. Tyrone Marshall called out, "Let's get him. Let's get him," the court was told.

The robbery then ensued as Stennis had earlier described it on the witness stand, with Holloway prepared to testify that while waiting for Tyrone and John Marshall at the corner of Reno Road and Cumberland Street, he heard the two shots that wounded the senator, Grafman recounted.

When Tyrone Marshall returned to the car, by Holloway's account, he said, "The old man was making too much noise so we had to shoot him."

They showed Holloway a pocket watch, some change and a Phi Beta Kappa key—all of which Stennis had later reported stolen—that they had taken from the man, it was said.

After the robbery, the trio was said to have driven around downtown Washington and then attended a lecture at the Founding Church of Scientology, about which the government had previously presented testimony.

The next day, Holloway was at work at the U.S. Department of Transportation when he heard on a radio newscast that Stennis had been shot.

He called the Marshall residence and asked Tyrone, "Do you know that man you shot was a senator?" Tyrone replied, according to the account: "So what the xxxx, he's just a white man."

After hearing the recitation by Grafman, Waddy asked Marshall why he was entering the plea. Marshall, stammering, said, "Because . . . they have . . . too much evidence . . on the charge , . . on the conviction."

Jurors in the case would not comment after they were released and the U.S. attorney's office said it would have no official comment on the plea or the fact that Holloway had escaped prosecution.

However, a spokesman in the office said the immunity grant to Holloway was given "after careful consideration and deliberation . . . to assure, so far as reasonably possible, the conviction of the gunman" in the shooting. He said high Justice Department officials were aware of the prosecutors' decision to grant immunity to Holloway, and "did not disapprove it."

Stennis, who was being kept informed on the status of the trial by staff members who attended the daily sessions, would have no comment, a spokesman in his office said.

But his wife, when asked if she had heard about the verdict yesterday afternoon, replied, "Yes, we've heard. He's guilty as charged."

Dan Marshall