

Stennis Gunman Gets Jail

Youth Taken Forcibly From Court

By Timothy S. Robinson
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Tyrone I. Marshall, 19, the gunman who shot down U.S. Sen. John C. Stennis (D-Miss.) in a street robbery in January, 1973, was sentenced yesterday to a prison term of 10 to 20 years.

Marshall, who was eligible for a more lenient youth sentence because of his age, exploded "I ain't accepting that sentence" when it was announced. He was led forcibly to the cellblock from U.S. District Judge Joseph C. Waddy's courtroom after he began struggling with three U.S. marshals and while his father yelled sternly from the back of the courtroom: "Tyrone!"

Marshall, who was labled a menace to society by Judge Waddy, has been in jail for the past year on his convictions of other violent crimes. He must serve 10 years of the sentence imposed yesterday.

Judge Waddy read extensively from two separate presentence reports that recommended Marshall be sentenced as an adult, and adopted the wording of those reports to justify the prison sentence.

Any other sentence for Marshall, said the judge, would be "incompatible with the welfare of society." Marshall has shown no remorse for the shooting, no desire to change his behavior and appears to have "developed a sense of self-immunity to accepted customs of laws and society," Waddy added.

The youth is "on his way to becoming a criminally sophisticated individual," Waddy said.

The sentence came after Judge Waddy rejected an attempt by Marshall to change his plea from guilty to innocent in the Stennis shooting on the ground that the government had been unfair in its prosecution of him.

For example, Marshall told the judge he had been under the impression that no one charged in the crime would be given immunity from prosecution. But, he said, the government agreed during the trial to let an accomplice, Derrick Holloway, go free in return for his expected testimony against Marshall.

Judge Waddy rejected the attempt to change the plea, calling it "frivolous and without substance."

After Holloway was granted immunity Marshall pleaded guilty during his trial last October under a Supreme Court ruling that allows a defendant to contend that he did not actually commit a crime but would enter a guilty plea anyway because the government's evidence against him was overwhelming.

Stennis was critically injured in the shooting and spent several months in the hospital. He has since recovered.

Defense attorney R. Kenneth Mundy argued prior to sentencing that despite Marshall's criminal background, he should receive a sentence

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under the youth corrections act.

That act provides that persons under 22 can be sentenced to terms of indeterminate length and released whenever corrections authorities deem them rehabilitated.

Marshall's brother, John S. Marshall, 22, also pleaded guilty to participating in the Stennis robbery and was given a maximum sentence of 15 years under the act.

The U.S. Court of Appeals here has indicated that youths under 22 should always be given the benefit of the act unless a judge makes a specific finding that the youth would not benefit from it. Judge Waddy made such a finding yesterday.

Mundy said an adult sentence for the 19-year-old would be equivalent to "casting him on the scrap heap of humanity . . . and only compound the tragedy of his young life."

Prosecutor Roger Adelman urged a long-term adult sentence, referring to Marshall alternately as "the gunman, main perpetrator . . . clearly the leader of this criminal enterprise . . . a person who goes around the city at night looking for people to rob."

"But for the will and strength of Stennis, Marshall might stand here charged with murder," Adelman said.

Marshall spoke only briefly before his sentencing, reiterating his desire to change his plea and adding that because of the publicity about the Stennis shooting, "I don't think I could have had a fair trial anyway."

Marshall was sentenced to concurrent 10-to-30-year prison terms under the federal congressional assassination statute, armed robbery and assault with intent to kill while armed. He received another one-year concurrent term on a charge of carrying a dangerous weapon.