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LOS ANGELES AP - The state, which only two months ago agreed to life imprisonment for Sirhan Bishara Sirhan, now must aid a jury in considering either life imprisonment or the death penalty for Sen. Robert F. Kennedy's assassin.

"We will give them the factors weighing for and against death," said Chief Deputy Dist. Atty. Lynn D. Compton. The alternative to the San Quentin gas chamber is life imprisonment for the 25-year-old Sirhan.

Sirhan's trial for the assassination last June of Kennedy was in weekend recess, after the jury on Thursday convicted him of first-degree murder.

On Monday, the same seven men and five women are scheduled to return to the courtroom with its steel-covered windows for the penalty phase of the 15-week trial.

California law requires that the jury fix the penalty for first-degree murder at either death or life imprisonment. A lifer is eligible for parole after seven years but usually serves beyond that time.

Compton has indicated on several occasions that the state is not adamantly set on the death penalty. Referring to a mid-February agreement which would have spared Sirhan's life, the prosecutor said: "There is an obligation not to assert that we believe the death penalty is an absolute must."

Compton, 47, a former UCLA football guard, is a firm believer in capital punishment.

Yes, just before testimony began in the Sirhan trial, his office made an agreement with the defense—Sirhan would plead guilty to first-degree murder, and Superior Court Judge Herbert V. Walker would sentence him to life in prison.

Such a compromise is legal, with the court's approval. But Walker refused to go along. He held that because of worldwide interest in the case, it should not be settled out of court. He was willing to accept the guilty plea, but with the jury deciding the penalty.

"The state would affirmatively recommend to this jury that the defendant be given life imprisonment," chief defense counsel Grant B. Cooper recalled. "We came to the conclusion we could not accept that. Had the jury rejected the recommendation, we would have closed all doors."

In preparation for Monday's penalty phase of the trial, Cooper asked permission to outline details of the aborted agreement to the jury as a mitigating factor in Sirhan's behalf.

"I feel the jury should know the full truth of what happened in chambers in respect to that," Cooper declared.

Walker agreed with the prosecutor that such testimony would be irrelevant, and Cooper's request was denied.

Cooper then proposed to bring to the witness stand the former warden of San Quentin, Clinton Duffy, to testify that the death penalty is not a deterrent to crime.

"I'd like nothing better than to cross-examine Warden Duffy," Compton said. "But we'd get into a debate and a discussion over the death penalty. That is a matter for the legislature, not the courtroom."

Again Compton won, and Walker refused to allow the defense to call Duffy.

Should the jury be unable to agree on Sirhan's penalty, a new jury could be impaneled specifically to choose between life imprisonment or death. The first degree murder conviction would stand.

Only the jury can decree death. But in the event of a hung jury, Judge Walker could take it upon himself to sentence Sirhan to life imprisonment—something he refused to do last February.

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