

## The Meaning Of Sirhan's 'Not Guilty'

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Sirhan Sirhan yesterday pleaded not guilty to the murder of Senator Robert F. Kennedy.

A trial date of November 1 was set by Superior Court Judge Richard Schauer.

Sirhan's plea in the June 5 slaying does not necessarily mean he is denying his guilt.

He is charged with murder, with malice aforethought.

### FIRST-DEGREE

A guilty plea would have been an admission of first-degree murder — a wilful, deliberate and premeditated killing, with malice aforethought — which carries the death penalty or life in prison.

The only way for a defendant to have a determination made of the degree of murder — unless he specifically is charged with second-degree or manslaughter — is to be tried, either by a jury or a judge sitting without a jury.

This apparently is what Sirhan did, in the face of seemingly weighty direct (eyewitness) and circumstantial evidence against him.

At a news conference which followed the 24-year-old Jordanian immigrant's appearance in court, Russell E. Parsons, Sirhan's

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AP Wirephoto

Sirhan conferred with his attorney in court

attorney, seemed to confirm this when he said:

"I haven't seen any evidence yet that he (Sirhan) had any malice . . ."

Parsons also said a not guilty plea "permits us to show the what and why — what are the real issues . . . if he is the man, why did he do it."

### TRIALS

Sirhan, as had been anticipated, chose not to enter a so-called double plea of not guilty and not guilty by reason of insanity. This could have required three trials.

The first would have been to determine whether he was guilty and the degree of guilt. A second, if convicted of first-degree murder would have been to fix the penalty, and a final hearing (if convicted) to determine his sanity.

Parsons still could later (before the trial) legally add a plea of not guilty by reason of insanity.

### SANITY

The veteran criminal defense attorney said out of court that by pleading not guilty, it does not mean that two court-appointed psychiatrists found that his client was legally sane.

However, he added that he has never entered only a sin-

gle plea of not guilty when psychiatrists unanimously said a client of his was legally insane—that is, did not know the difference between right and wrong or could not appreciate the nature and quality of his act.

With Sirhan pleading not guilty, in an effort to save the defendant's life, if the prosecution is successful in showing that Sirhan fired the fatal shot, Parsons can seek to lower the degree of murder from first degree by:

- Submitting evidence that the crime was not deliberate or premeditated, which would make it second degree (punishable by five years to life in prison) or that there was no malice, which would make it manslaughter (a maximum of 15 years in prison).

- Invoking the defense of diminished capacity, also known as partial insanity.

In using the latter defense, Parsons would attempting to show through psychiatric evidence that because of some mental disease or defect Sirhan could not form the specific intent, malice and premeditation required for the conviction of first-degree murder.

This defense does not result in an exoneration, only in a reduction of the degree (to second or manslaughter), depending on the extent to which mental disease can be shown.

### APPEARANCE

Sirhan, appearing in court for the fifth time, also pleaded not guilty to feloniously assaulting, with a deadly weapon and with intent to commit murder, five other persons wounded during the election night shooting spree at the Ambassador Hotel.

Judge Schauer withheld until October 4 the naming of a judge to preside over the case.

Because a trial date of November 1 is more than 60 days from the time Sirhan was indicted (June 7), Judge Schauer asked that he waive both his right to be tried within that period and his right to a speedy trial.

"We waive that right," Sirhan said in one of his longest responses since he has been appearing in court.

### COURTROOM

As was the case two weeks ago, court again was convened in a special facility on the 13th floor of the Hall of Justice, just 50 feet from the isolated cell in which Sirhan is being held pending his trial.

At times, while court was in session, Sirhan held Parsons' hand. At the news conference, Parsons said his client did so because "he relies on me . . . looks on me as an adviser. He took my hand and held it. Sometimes he even gets on his knees and talks to me."

Seated in the courtroom were four members of Sirhan's family, his mother, Mary, and three of his four brothers. Adel Sharif and Saidallah. It was the first time Sharif and Saidallah had been in court.