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LOS ANGELES AP - Defense and prosecution at the Sirhan Bishara Sirhan murder trial, trying to outmaneuver each other, failed to agree Tuesday on seating a panel of 12 prospective jurors.

The case went into its third week with final selection of a jury perhaps still many days away.

Sirhan, 24-year-old Jordanian, is accused of fatally shooting Sen. Robert F. Kennedy last June.

Last Friday the prosecution accepted a tentative panel of 12 jurors "as now constituted," and had the defense accepted it Tuesday those 12 would have been the jury.

But one panelist, Helen L. Woodworth, retired auto club employe, was excused after saying she consulted over the weekend with her doctor and he advised her not to participate in a prolonged trial.

Geraldine Scherer, retired antique dealer from nearby Whittier, won tentative approval as juror No. 12.

The defense moved to make the jury permanent.

But the prosecution objected, on grounds the panel was not the same as last Friday, and the court upheld the objection.

Jury selection continued, with both sides exercising peremptory challenges. Each side has 20, which permit dismissing a juror for no reason.

The prosecution's conditional acceptance Friday, and the defense's acceptance Tuesday, were described by a defense attorney as maneuvers in a battle of one-upmanship with regard to peremptory challenges.

Grant B. Cooper, chief defense attorney, told newsmen before Tuesday's session the prosecution move was a way of "getting ahead of us" on challenges. The prosecution, he said, assumed that the defense would not approve the Friday panel and would exercise a peremptory challenge, using two to the prosecution's one. The prosecution, he said, "might be in for a surprise."

Lynn D. Compton, chief deputy district attorney, said in objecting to the defense move to accept the panels: "I am not playing games with Mr. Cooper."

As of the noon recess Tuesday, the prosecution had used two challenges, the defense one.

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