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Sirhan Lead

By GLENN HANDBAKER

Associated Press Writer

LOS ANGELES AP - The defense again accepted a tentative jury at Sirhan Bishara Sirhan's murder trial today, but the prosecution excused one candidate by peremptory challenge and questioning went on.

The jury, when finally completed, will try the 24-year-old Jordanian on a charge that he fatally shot Sen. Robert F. Kennedy last June 5 at the Ambassador Hotel.

The defense hammered on "willful, deliberate and premeditated" in connection with first-degree murder in questioning Albert Frederico, about 48, of suburban San Gabriel, a plumber.

"In willful deliberate and premeditated murder, do you feel that death is more appropriate than life imprisonment?"

"Yeah, I guess so," Frederico replied with a shrug.

Cooper restated the question and Frederico said: "Well, I would consider the evidence, the facts. I believe till then I wouldn't make a decision."

Frederico was tentatively accepted by both defense and prosecution. Cooper then said, "The defendant is satisfied with the jury as now constituted."

But the prosecution's peremptory challenge of another panelist kept the selection process going.

The defense last Tuesday also accepted a tentative panel, but this was negated by a legal maneuver by the prosecution.

At Thursday's session, Cooper asked a prospective woman juror whether she would have a preference between a life or death penalty.

Dept. Dist 5th Graf ACS
DB112aps Jan. 24

and three women tentatively seated, and the jury perhaps another week from being finally constituted.

Jury selection goes into the ninth day today.

Attorney Grant B. Cooper, defending the 24-year-old Jordanian accused in the assassination of Sen. Robert F. Kennedy, asked a woman prospective juror Thursday whether she would have a preference between a life or death penalty in the event of a first-degree murder conviction.

Deputy Dist. Atty. David E. Fitts, on his feet before she could reply, objected: "Mr. Cooper speaks of 'this defendant.' Mr. Cooper asks, 'Do you have any preference in this case, the Sirhan case?'"

"We're not concerned with what the prospective jurors think in the Sirhan case but with murder cases in general."

Cooper retorted: "If a juror favors the death penalty at this time, we have a right to excuse that juror."

Presiding Superior Court Judge Herbert V. Walker sustained the prosecutor's objection, however. He said Cooper's question assumed "facts we don't know because they're not in evidence yet."

Cooper tried another tack on the jury candidate:

"Forget this case. Let's try John Doe for murder. You conclude he is guilty of willful, deliberate, premeditated murder and there are no extenuating circumstances. The issue is life or death. Which way would you lean?"

Fitts rose and objected again: "His reference to 'extenuating circumstances' is vague and indefinite, leading the question."

The judge sustained this objection, too. Cooper repeated the John Doe question without mentioning extenuating circumstances.

"I really can't say which way I'd lean," replied the prospective juror. "I can't make a decision without knowing how I'd make a decision."

The jury candidate, Irma O. Martinez, a gas company employe and wife of a truck driver, was accepted tentatively by both defense and prosecution.

Two other candidates were provisionally seated Thursday. Ronald G. Evans of suburban Inglewood is a telephone installer. Mary Lou Busby of Los Angeles, who teaches math at suburban Downey High School and is married to a history teacher.

EDS: Trial resumes 12:30 p.m. EST
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