

Ballistic Expert Says Bullet That Killed Kennedy Was Fired at a Distance of 'Approximately One Inch'

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Special to The New York Times

LOS ANGELES, Feb. 24—A police ballistic expert testified today that the bullet that fatally wounded Senator Robert F. Kennedy last summer was fired "approximately one inch" from his head.

The expert, DeWayne Wolfer, speaking in a calm, measured tone, told the jury trying Sirhan B. Sirhan for the murder of the Senator that two other shots fired at Mr. Kennedy had come from one to six inches away.

All the shots that hit Mr. Kennedy or tore through his clothing were fired from behind and slightly to the right, indicating that the Senator, perhaps never saw his assailant.

In another development, Grant B. Cooper, the chief defense attorney, said he expected to open his case on Wednesday and that Sirhan would take the stand on Friday or Monday.

Late this afternoon, the prosecution began its effort to introduce into evidence three notebooks that were found in Sirhan's home by the police on the day of the shooting.

The defense immediately challenged the use of the notebooks in the trial on the ground that the police had no search warrant to enter the Sirhan home and did not know what they were looking for.

Sgt. William E. Brandt of the Los Angeles Police Department told the court that he went to the Pasadena police station on the morning of the shooting to question Sirhan's brothers, Adel and Munir, who had seen an article in a newspaper and had gone to the police to identify their brother who had refused during the night to identify himself.

After talking to the Sirhans, Sergeant Brandt said, Adel Sirhan took him to their home, where Adel let him into the house. His purpose, the policeman said, was to see if "anyone else was involved." Once there, he found six notebooks in the defendant's bedroom, which he took.

Superior Court Judge Herbert V. Walker, repeating his ruling during the pretrial hearing last October, overruled the defense objections to the notebooks when he decided that Adel Sirhan had voluntarily allowed the police to enter the house.

Although the defense motion was overruled, today's session ended before the notebooks could be introduced in evidence.

During the argument over the notebooks, Sirhan, became

increasingly upset and obviously angered. After a conference with the defendant, the defense asked for a recess because "our client has requested it." The request was granted.

Later, one of the defense attorneys said that Sirhan "doesn't want anyone to steal and read his notebooks. He feels they belong to him."

This morning's session was given over to the dry and grim presentation of evidence that included the .22-caliber revolver allegedly used by Sirhan, the bullet and bullet fragments taken from Mr. Kennedy's body as well as those that struck other victims in the crowded pantry of the Ambassador Hotel early last June.

Besides examining the hardware, the jury closely studied the bullet-torn dark blue jacket worn by the Senator on the night of his death. They also looked at photographs of the Senator's head wound taken during the autopsy.

The photographs were allowed in evidence and circulated among the jurors only after Superior Court Judge Herbert V. Walker overruled an objection by Mr. Cooper, who contended they were "inflammatory and highly prejudicial" to the defendant.

All during the presentation of evidence and its examination, Sirhan appeared tense. He glowered at the jury and there were no quick smiles to acquaintances in the crowded courtroom as there have been on other days. Only on two occasions when the lawyers conferred at the bench did the slight, 24-year-old defendant chat easily with a defense aide.

This morning, too, there was an increasing mention of the Senator's name as the grim

artifacts circulated among the jury. Ever since the trial started on Feb. 13 after the selection of the jury, the Senator's name has rarely been used. The prosecution has chosen to use such terms as "the body on the floor" and "the person giving the speech."

Shots Traced to Gun

In his testimony this morning, Mr. Wolfer said that ballistic tests had shown that all the shots fired at the Ambassador Hotel were from the gun confiscated from Sirhan by aides of the Senator who wrestled with him after the shooting.

David N. Fitts, a deputy district attorney, who has done most of the prosecution questioning during the trial, had Mr. Wolfer give a long, tedious

explanation of how bullets might be identified as coming from the same gun, an explanation that included such ballistic terms as "lands and grooves" and "striation marks."

The policeman, however, explained that some of the bullet fragments were so damaged that "I would not say positively that they came from the same gun."

Mr. Wolfer also explained how police scientists can determine just how close a gun is to its target if the weapon is close enough to leave powder burns or "tattooing," in which particles are driven into the skin.

In Senator Kennedy's case, there was "tattooing" on his right ear and around the head wound. Laboratory tests, using a weapon similar to the one now in evidence, showed a pattern of particles almost identical to those on Mr. Kennedy's body when the gun was fired one inch away, Mr. Wolfer said.

Mr. Wolfer testified that three bullets hit the Senator in addition to the one that struck him in the head. Two bullets struck him just below the right shoulder in the armpit. The third went through the coat material high on the right shoulder, probably inflicting a grazing wound.

Although one of the bullets that hit the Senator in the right armpit apparently went through his suit without harming him, the other pierced his body and was later found in the sixth cervical vertebra, Mr. Wolfer said.

Thus, the policeman said, the coat has "three entrance and two exit holes."

The color photographs of Mr. Kennedy's head wound were put into evidence because they

clearly showed the black powder burns. Several women on the jury gave the pictures only a cursory examination. Several of the jurors did not even look at the Senator's coat as it was passed to them.

"This kind of thing doesn't do us any good," Mr. Cooper commented to newsmen during a recess, referring to the showing of the pictures. "It certainly doesn't help us."

Although Sirhan has pleaded not guilty, the defense has conceded that the Jordanian immigrant did shoot Mr. Kennedy. The attorneys hope to prove that Sirhan acted under "diminished capacity."

Under California law, a jury must find a defendant guilty of a lesser crime than first degree murder if it is proved that his state of mind was such that he could not give rational consideration to his act.

Also testifying today was Dr. Henry M. Cuneo, a neurosurgeon at Good Samaritan Hospital, who operated on Senator Kennedy following the shooting and was with him until his death.

Dr. Cuneo said that the purpose of the three-hour operation on the Senator was to stop intercranial bleeding and to remove a blood clot and bone fragments from the right mastoid area.

The neurosurgeon, a short, gray-haired man, said that he first saw Mr. Kennedy at 1:10 A.M. on June 5.

"Were you with him until he died?" asked John Howard, another deputy district attorney.

"Yes, sir," Dr. Cuneo replied.

"What time did the Senator die?" he was asked.

"1:44 A.M., June 6, 1968."

The doctor said softly.