



Spector murder trial takes another twist

An ex-law clerk revives allegations that the defense kept evidence from prosecutors.

By Peter Y. Hong, Times Staff Writer
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The Phil Spector murder trial, already on hold because of the illness of defense attorney Bruce Cutler, took another surprise turn Wednesday, when a former law clerk appeared in court to revive allegations that the defense withheld evidence from prosecutors.

Spector is accused of murdering actress Lana Clarkson at his Alhambra home Feb. 3, 2003. He has pleaded not guilty and is free on \$1-million bail.

Gregory Diamond, a former intern and clerk for lawyer Robert Shapiro, who had been Spector's attorney, testified that he saw another defense lawyer pick a small piece of white material from the carpet in Spector's home, near the chair in which Clarkson died. Diamond said he was at the crime scene Feb. 4 with Shapiro; Sara Caplan, then a lawyer with Shapiro's firm; and investigators and forensic scientists.

His appearance brought forth a small parade of court celebrities, including Shapiro and another former Spector attorney, Leslie Abramson. Michael Baden, a forensic medical examiner who was to appear for the defense at a later date, was rushed in from New York to testify.

Judge Larry Paul Fidler apologized to Baden for calling him into court, but noted that it gave Baden a chance to see his wife, Linda Kenney Baden, who is one of Spector's attorneys.

Diamond's assertion led prosecutors to refile a 2004 motion demanding that the defense turn over a piece of Clarkson's fingernail. A judge then ruled that the nail must be given to prosecutors if it existed, but defense attorneys said they never had any such evidence.

Christopher Plourd, one of Spector's six current lawyers, said outside the courtroom Wednesday that evidence may have been lost by police, but Diamond's account is "a tempest in a teapot put forth by pond scum."

Prosecutors wrote in their motion that they believed the nail fragment to be "blackened on one side with visible gunpowder residue" and to have been found at Spector's home shortly after the shooting.

The gunpowder residue could either indicate Clarkson shot herself, which the defense contends, or that she was grabbing the gun in a struggle with Spector. The broken nail itself could indicate a struggle, Deputy Dist. Atty. Alan Jackson said in court.

Abramson had said in 2004, when she represented Spector, that there was no nail. In court Wednesday, she shook her head as Fidler spoke, prompting the judge to scold her. She said she shook her head because the matter was "the ghost of Christmas past."

Fidler soon caught her shaking her head again and ordered her to stop.

Later, her cellphone rang in the courtroom, prompting her to quickly get up to leave, though she took the call and began a conversation as she walked out. Fidler shook his head and stared at the ceiling in exasperation.

Diamond testified that the item he saw was identified as a piece of tooth, not a fingernail.

On the stand, Diamond said he saw Caplan pick up the white item and show it to Baden. He said he heard Baden say it was a tooth fragment.

Baden testified that he did not know Diamond, and, when Diamond was brought before him, said he did not recognize him and did not remember him being at Spector's home Feb. 4. Baden said Caplan did not show him anything that day, and he would not have identified something as a tooth fragment because it is beyond his expertise.

Jackson pointedly asked Baden if his opinion was "in any way, shape, form or fashion affected by your being married to a member of the defense team?" Baden answered "no."

The hearing continues today, with testimony from Bill Pavelic, a defense consultant who was at the scene, Caplan and Stan White, a private investigator.

The jury trial is on hold until Monday because of Cutler's absence.

The lawyer said he was sickened by complications from his diabetes medications.

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