



Spector's defense attacks credibility of his driver

Out of jury's presence, prosecutor questions whether a criminalist withheld key evidence.

By Peter Y. Hong, Times Staff Writer

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Two pivotal witnesses in the Phil Spector murder trial were grilled Wednesday by lawyers trying to undermine their credibility.

Adriano DeSouza, the driver who said he heard Spector say, "I think I killed somebody," shortly after actress Lana Clarkson was shot to death at the music producer's Alhambra mansion, was questioned about his immigration status, education and language ability.

Criminalist Henry Lee, expected to be the star witness for the defense, became testy as prosecutors suggested he practiced sloppy science and may have withheld a piece of key evidence.

Spector is accused of killing Clarkson, who was found shot in the mouth at his home Feb. 3, 2003. The renowned producer of songs with the Beatles, Righteous Brothers and Ike and Tina Turner is free on \$1-million bail.

DeSouza was the only person other than Spector and Clarkson at the house when the shooting occurred. He called 911, and prosecutors contend his account of being told by Spector, who was holding a revolver in his bloody hand, that he thought he had killed someone is a confession.

The defense contends DeSouza misunderstood Spector because he spoke poor English and was groggy during the 5 a.m. encounter.

The defense began its cross-examination of DeSouza by asking him for nearly an hour about his schooling in Brazil. DeSouza said he began studying English at age 13, both in school and at a private language academy. He said he earned a computer science degree while an officer in the Brazilian army.

Spector attorney Bradley Brunon then asked DeSouza about his immigration status. DeSouza said he worked while on a student visa, and under Brunon's questioning agreed that he had done so illegally.

Throughout the questioning, DeSouza spoke clearly and answered questions precisely.

Brunon questioned whether he could understand Spector, and asked him to describe Spector's voice. DeSouza resisted, saying, "I'm not good at describing stuff." Pressed by Brunon, he impersonated Spector.

"Adriano, Adriano, go to the Grill," DeSouza squealed in a nasal tone, sounding like recordings of Spector played earlier in court. The jury erupted in raucous laughter. The Grill on the Alley is a Beverly Hills restaurant where Spector was a regular and had dined the

night of Clarkson's death.

The jury portion of the trial recessed at noon and is to resume Monday with additional testimony from DeSouza. Brunon said the cross-examination so far was "very preliminary. There are some substantial inconsistencies, and we will see how he explains them" next week, he said.

In the afternoon, Lee appeared in court to answer an allegation by prosecutors that he might have kept from them a piece of a fingernail, possibly acrylic, picked up at the crime scene. Los Angeles County Superior Court Judge Larry Paul Fidler has been hearing from prosecutors and the defense on the matter outside the presence of the jury.

Two former members of the defense team, a lawyer and a private investigator, testified they saw Lee pick up a white object at Spector's home the day after the shooting. Stanley White, the investigator, said he told Lee it looked like a fingernail and that Lee called him crazy.

Lee, former chief criminalist for the state of Connecticut, has become a celebrity himself through his work on celebrity trials. He quickly displayed the self-deprecating charm for which he is famous. When prosecutor Alan Jackson asked him who he remembered at the crime scene, Lee quipped, "You all look alike to me." He had used the joke in the Simpson trial and other cases throughout the country.

But Lee soon appeared agitated and said he was "pretty upset" by White's statement that he had picked up a fingernail, something that was never recorded or turned over to prosecutors. "I think my reputation is severely damaged because of his action. I don't even know this person," he said.

Shown a photograph of what appeared to be a white object on a wooden step in the house, Lee said it was a cut in the wood.

When Jackson suggested he was wrong about the photo, had been sloppy in keeping records and questioned his use of a yellow Post-It note to wrap a piece of possible evidence from Spector's house, Lee said the prosecutor was "nitpicking."

Then, when Lee offered to help Jackson sort some photographs, and the prosecutor sniped, "I don't know that I need much help, doctor," Lee fired back: "You definitely need help."

Prosecutors want the defense sanctioned if it is found to have hidden a fingernail. The defense contends no such evidence exists. Fidler will continue to hear testimony on the issue when the jury is not in court.

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