



Spector's lawyers to attack driver's story

Defense may question the credibility of Adriano DeSouza. They say he has a 'language problem' and misunderstood his boss.

By Peter Y. Hong, Times Staff Writer
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It was a frantic call from Adriano DeSouza that brought police to Phil Spector's hilltop castle in the early morning hours of Feb. 3, 2003. "I think my boss killed somebody," said the part-time driver for the legendary producer.

Four years later, DeSouza is an important prosecution witness in Spector's murder trial. He drove Spector and actress Lana Clarkson from the House of Blues in West Hollywood, where she worked as a hostess, to Spector's Alhambra home.

DeSouza testified last week that as he was waiting outside in Spector's black Mercedes-Benz, he heard a loud noise. DeSouza said he got out of the car, faced Spector in the doorway of his home and asked what had happened. DeSouza said his boss, who was holding a revolver in his bloody hand, responded, "I think I killed somebody."

Prosecutors say Spector's alleged reply to DeSouza amounts to a murder confession. "We're in the heart of the prosecution's case," said Loyola Law School professor Laurie L. Levenson, a criminal law expert who has been watching the trial.

But this week, Spector and his lawyers will go after the driver, a native of Brazil, in an attempt to weaken his credibility. The defense, which contends Clarkson shot herself, also calls DeSouza central to the prosecution but says he embodies the weak case against their client. "Their whole case is DeSouza," defense attorney Bruce Cutler said dismissively in his opening statement. Cutler called DeSouza "a substitute driver with a language problem."

Spector's attorneys will try to show that DeSouza misunderstood what Spector said, that he bore a grudge against his boss and that prosecutors helped him remain in the country illegally in return for his testimony.

DeSouza's courtroom debut last week was a strong one, observers say. Immaculately groomed, he wore a stylish three-button suit and carried himself confidently. He looked questioners straight in the eye and spoke clearly in English, his accent no stronger than that of the governor of California.

DeSouza's answers showed that he understood the questions, though he once referred to Spector as "she" and told Spector attorney Bradley Brunon that he did not know the word "garrulous." On Wednesday, the court reporter never stopped DeSouza to ask him to repeat himself, as she did numerous times the same day with noted forensics scientist Henry Lee, a star witness for the defense who is from Taiwan.

"I think the defense needs to stop making so much of " the language issue, said Jean Rosenbluth, a USC law professor who has been watching the trial.

If the defense "puts Henry Lee on the stand, he's been in America much longer and is more difficult to understand, so I don't think they can do much with that," she said.

Under cross-examination by Brunon, DeSouza said he had studied English since age 13, and earned a bachelor's degree in computer science while serving as an officer in the Brazilian army.

When Brunon, trying to establish whether DeSouza understood Spector's statement, asked the driver to describe the producer's voice, the driver instead fired off a dead-on impression. "Adriano, Adriano, go to the Grill on the Alley," he intoned nasally, to laughter from jurors.

The defense has said DeSouza's English was worse in 2003. But prosecutors played recordings showing him expressing himself clearly in his 911 call. On the recording, the operator who took DeSouza's call accurately repeats what the driver says: "He heard the shot, and he says there's a woman laying on the floor and his boss told him he thinks he killed her," the operator says.

Levenson said defense attorneys may hit DeSouza harder when he returns. "I think if there are any fireworks they may be intentionally waiting until Monday," she said.

The delayed attack denies the prosecution the four-day weekend to recover and strategize, she explained. (The trial is dark on Fridays, and the judge recessed Thursday to attend a legal conference.)

Brunon said last week's cross-examination was "very preliminary" and that this week's questioning would address inconsistencies in DeSouza's statements to police, the grand jury and in court.

DeSouza had testified before the grand jury that Spector was not drunk when the driver took him and his friend Kathy Sullivan to Trader Vic's the night of the shooting. In court last week, DeSouza said, "I cannot say he was drunk, but he was not the same person he was when I start the job at 7 p.m."

Levenson said that when raising inconsistencies, the defense has to be careful that their points are substantial. "If it looks like they are nitpicking too much, jurors may see it as being a little desperate," she said.

DeSouza will remain a challenge for the defense, Rosenbluth said. "He gives short answers, readily admits when he does not remember something or is unsure; those are the toughest witnesses to try to impeach."

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