



## Judge says Spector defense took item

**Criminalist Henry Lee withheld evidence from the scene of the 2003 killing, jurist rules.**

By Peter Y. Hong, Times Staff Writer  
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A second celebrity came under fire Wednesday in the Phil Spector murder trial: forensic scientist Henry C. Lee. Judge Larry Paul Fidler ruled that Lee withheld evidence from prosecutors, raising questions about the credibility of the respected and ubiquitous expert witness.

At issue was a small white object that three people said they saw at the crime scene. Two of the three — a former Spector defense lawyer, Sara Caplan, and a defense investigator — said they saw Lee pick up the object in the foyer of Spector's mansion in Alhambra.

Prosecutors say it was a piece of Lana Clarkson's acrylic fingernail, which Deputy Dist. Atty. Patrick Dixon said in court could show that Clarkson's hand was in front of her face when she was shot and that "her hands and her fingers were not on the trigger."

Spector is charged with murdering Clarkson, who was found shot in the mouth in his home Feb. 3, 2003. He says Clarkson shot herself and has pleaded not guilty. Spector's attorneys say Lee still will be a key witness for them; he is expected to testify that Spector was not standing close enough to Clarkson to have shot her.

Regarding the alleged fingernail, Lee had testified before Fidler last week that Caplan was mistaken, that he did not pick up such an object.

Fidler on Wednesday called Lee a "world-renowned expert" but said, "I have to choose between the two, and Miss Caplan is more credible than Dr. Lee." Fidler ruled that "Dr. Lee did recover an item that was flat, white and irregular around the edges."

Fidler said he couldn't say whether the item was a fingernail, but he ruled that jurors could be told about the missing item. They then can decide for themselves what it may have been and whether Lee hid it from prosecutors. Fidler said his conclusion that Lee withheld a fingernail-size item would not be told to jurors.

Also, the jury would be told not to hold any perceived infraction involving that item against Spector because there was no evidence that he knew about the breach, which was committed by his former defense team. Spector, a producer of records for the Beatles and other stars, is free on \$1-million bail.

An assistant to Lee — Valerie Shook — said in an e-mail that Lee was out of the country and unavailable to comment for this story.

Stanley White, a defense investigator at the scene that day, said he saw Lee holding in a handkerchief a piece of fingernail stained with gunshot residue. White testified that he told

Lee the object was a fingernail, and that Lee called him crazy.

"Let's say Mr. White has a large personality," Fidler said of the former sheriff's homicide investigator, who told an awkward ethnic joke about himself while on the stand.

Fidler said if he had only White's testimony to decide the issue, "I don't know where I would go." But the judge said White's account was strengthened by Caplan's testimony.

Caplan said she saw Lee pick up a fingernail-size object and put it in a vial. She repeated her testimony on the stand Wednesday.

Lee said in court last week that Caplan might have seen him putting a cotton swab into a vial, and that he did not pick up a flat white object. A photograph he took at the crime scene showing an apparent white object on a wooden step in the house did not depict such an item, he said. Lee said the white image in the photograph was a cut in the wood.

On Wednesday, prosecutor Alan Jackson projected a magnified shot of the white image in Lee's photograph, saying it clearly was not a cut. "Is he lying or is he incompetent? Either way, it's not the truth. That is clearly not a gouge," Jackson said.

Prosecutor Dixon said he could not truly measure how the object he believed to be a fingernail would have helped prove their case. "We will never know. Because Henry Lee, I say the evidence shows, pocketed this thing."

Formerly Connecticut's chief criminalist, Lee's fame as an expert witness took off after the 1995 O.J. Simpson murder trial. Lee's questioning of the Los Angeles Police Department's handling of blood samples in that case was cited by jurors as a key factor in their decision to acquit Simpson of the murder of his ex-wife.

Since then, Lee has been a popular lecturer and an expert in high-profile cases around the world. Nine colleges and universities have awarded him honorary degrees since the Simpson trial, most recently Johnson and Wales University in Florida this month.

Jean Rosenbluth, a USC law professor who has been watching the Spector trial, said Lee's appearances in future trials could be hurt by Fidler's ruling. "He could certainly be impeached by that finding" if opposing lawyers question him about it, she said.

Rosenbluth said in the Spector case, however, that Fidler's tight limits on what could be presented to the jury about Lee's actions resulted in "not that harsh a sanction."

"The prosecution won the battle but may not have won the war," she said.

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*peter.hong@latimes.com*