



Judge again bars defense from using Spector statements

By Michael Muskal, Times Staff Writer
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The judge in the Phil Spector murder trial today again barred the defense from introducing statements the music producer made to police saying the death of Lana Clarkson was an accident or a suicide.

Los Angeles County Superior Court Judge Larry Paul Fidler issued a forceful ruling during a morning of legal infighting. Jurors, already tired of the lengthy and detail-laden cross-examination of Deputy Medical Examiner Louis Pena, were outside the courtroom.

Pena today took the stand in his third day of cross-examination by defense lawyer Christopher Plourd. Pena has testified that the death of Clarkson in Spector's Alhambra mansion on Feb. 3, 2003 was a homicide.

The defense has argued that Clarkson shot herself in an act of "accidental suicide." It hoped to undermine Pena by introducing parts of what may be Clarkson's computerized diary and Spector's statements to show the coroner didn't correctly weigh all of the evidence when he decided the death was a homicide.

Fidler withheld a ruling on Clarkson's computer records, but shot down the introduction of Spector's statements unless the rock and roll legend takes the stand. That would give the prosecution a chance to cross-examine Spector about the night of drinking and clubbing that ended with the death of Clarkson, whom Spector first met hours earlier.

"Those statements are not coming in, my ruling stands, it's final," Fidler told the defense lawyers. "If he wants to testify, subject to cross-examination, that's" the only way the statements will be admitted.

Defense attorney Bruce Cutler, who has been more seen than heard during the five-plus weeks of the trial, broke his silence to try to find a way to bring the statements before the jurors. Cutler was barred by Fidler from using the statements in the defense opening.

Fidler was having nothing to do with more debate and insisted there was nothing to discuss.

The statements are "non-admissible, inadmissible. You can brief anything you want [but] I have ruled and that ruling stands," the judge said, clearly wanting to move on.

The legal wrangling goes to the heart of the defense strategy: tough cross-examination

of any opposing witness and then using its own scientific witnesses to counter the prosecution claim that Spector killed Clarkson.

Whether those tactics were working with the jury of nine men and three woman was unknowable, but the jurors are clearly becoming weary.

Before the formal proceedings, Fidler suggested that Plourd pick up the pace of his cross-examination of Pena.

"Maybe you need to punch it up," Fidler said, noting that jurors had complained to the clerk, saying they missed the point of cross-examination.

"They're just tired," Fidler said of the jurors, some of whom look alternately pained and drowsy.

Fidler made it clear to Plourd that he could do what he felt he should, but he advised: "I'm just giving you a heads-up."

The issue of Clarkson's purported diary involves whether the defense can use material about her lifestyle, her alcohol consumption and her mental state to impeach Pena's actions.

The medical examiner testified that he made the decision to rule the death a homicide because, in part, there were no medical records or other indications that Clarkson was suicidal.

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