



## Former Spector attorney could be held in contempt for refusal to testify

**Sara Caplan refuses to tell jurors of seeing Henry C. Lee remove an object from crime scene.**

By Peter Y. Hong, Times Staff Writer  
June 7, 2007

An attorney who earlier had said she saw famous forensic scientist Henry C. Lee remove an object from the crime scene refused to testify Wednesday in the Phil Spector murder trial, sparking an intense confrontation between her lawyer and Judge Larry Paul Fidler.

Sara Caplan, who represented Spector in 2003, said she was bound by law and ethics codes not to testify against her former client.

Fidler said he needed time to decide whether he would order Caplan to testify and that he would return to the matter Monday. The trial, being held at Los Angeles County Superior Court, will be off for the rest of the week.

Fidler said that if he ordered her to testify and she refused, "make no mistake, I will hold her in contempt. In almost 25 years I have never held an attorney in contempt. I take this extremely seriously and think she is making a mistake."

Fidler ruled last month that Lee had found a fingernail-sized object at Spector's Alhambra mansion but did not share it with prosecutors — a violation of evidence rules. Lee was at the house with defense attorneys and investigators the day after Lana Clarkson, a 40-year-old actress, was found shot through the mouth on Feb. 3, 2003. Lee has fiercely denied taking the object.

Prosecutors said the object was a piece of acrylic nail that had blown off of Clarkson's right thumb as she held her hand in front of her face. The broken nail could show she did not pull the trigger, prosecutors claim. Spector maintains that the actress shot herself.

Fidler said he was persuaded by Caplan's testimony. The former Spector defense attorney said she saw Lee place the object in a vial at the house. Fidler then decided to allow testimony about the object in the trial to question Lee's credibility.

The ruling was publicized around the world because of Lee's international stature.

All previous discussion about the fingernail fragment had taken place without the jury present. Caplan was to have testified before the jury Wednesday.

Instead, Caplan's attorney, Michael Nasatir, pleaded with Fidler. "With all due humility,

don't place a defense attorney in the position of having to testify against her former client.... I'm appealing to your sense of justice not to do this to my client."

An unmoved Fidler said his sense of justice also applied "to Miss Clarkson and to justice itself." Caplan, Fidler said, testified under oath that she saw Lee "manipulate, take, and now either conceal or destroy evidence. It is not privileged material. Even an attorney's sacred obligation to his or her client does not permit them to violate the law."

After more back-and-forth protestations of duties and obligations, it was Fidler's turn to plead with Nasatir.

"I'm basically begging you not to do this," Fidler said.

"I'm begging you," Nasatir replied.

Caplan then spoke, saying that although she had testified in evidentiary hearings, she did not believe the law required her to testify before the jury against her former client.

"I never in my life thought I would be in a position like this. It is a horrible position," she said.

Lee, who has not spoken to reporters since Fidler's ruling, this week told the Chinese Daily News, a Chinese-language newspaper published in the United States, that he was under attack from prosecutors who were trying to keep him from testifying. Lee told the newspaper, according to an article published Monday, he was uncertain that he would still testify.

Spector attorney Linda Kenney Baden, however, said the defense still intends to call Lee to testify.

--

---

*peter.hong@latimes.com*