



Spector case witnesses accused of violating gag order

By Peter Y. Hong, Times Staff Writer
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Prosecutors in the Phil Spector murder trial have accused famous forensic scientist Henry C. Lee and two other witnesses of violating a court order by speaking about the case to the news media.

Lee, who was recently found to have withheld crime scene evidence from prosecutors, has sharply criticized them in recent interviews with Chinese-language news organizations.

Los Angeles County Superior Court Judge Larry Paul Fidler in April ordered lawyers to direct witnesses not to speak to the media after a television appearance by Lee days into the trial. The judge threatened "appropriate action" if his order was violated.

The motion filed Thursday asks Fidler to call a hearing to "determine the appropriate remedy for ongoing violations of the court's order."

Actress Lana Clarkson was found shot to death in Spector's Alhambra mansion Feb. 3, 2003. Spector alleges she shot herself.

Last month, the judge ruled that Lee, who is expected to be the star defense witness, kept a piece of crime scene evidence from prosecutors. Fidler said prosecutors could raise the matter with jurors to question Lee's credibility.

Two witnesses testified out of the presence of the jury that they saw Lee holding the tiny object. But it was never turned over to prosecutors as required by evidence rules. Prosecutors said it was a fragment of Clarkson's acrylic fingernail, blown off by the bullet that killed her.

They said the evidence would have shown she was holding her hand in front of her face and therefore could not have pulled the trigger. Lee has denied taking anything from the crime scene.

Testimony on the evidence controversy was delayed this week after one of the witnesses, Spector's former lawyer Sara Caplan, refused to take the witness stand. Fidler has scheduled a hearing Monday on possibly holding Caplan in contempt.

Lee was quoted in two U.S.-based Chinese-language newspaper articles and appeared on a U.S. Chinese-language TV station saying he was under attack by prosecutors who

feared his stature and expertise.

The prosecutor's motion cites an article in the June 6 Chinese Daily News in which Lee discussed the case. It also mentions a May 31 e-mail sent to the Los Angeles Times and other news outlets in which Lee responded to allegations that he removed evidence.

Along with Lee, the motion faults Zvonko William Pavelic, a defense investigator who was at the crime scene with Lee and others the day after the shooting and spoke about the case on Court TV. The motion said Pavelic "engaged in a personal attack on Patrick Dixon, one of the prosecutors in the case."

The third witness named in the motion is Jody "Babydoll" Gibson, who served 22 months in prison for running a prostitution ring. Gibson suggested in a tell-all book that Clarkson had worked for her under the name "Alana." The motion, which was filed by Deputy Dist. Atty. Alan Jackson, states that Gibson was interviewed by Marie Claire magazine and the Geraldo Rivera show, but does not detail what she said.

Spector attorney Roger J. Rosen said, "I want to know specifically what Mr. Jackson is talking about." Rosen said the Marie Claire article is to be published in August, when the trial is expected to be over. "I suspect this is going to prove to be a non-motion," Rosen said.

Christopher J. Plourd, another Spector attorney, said he would not comment on the motion because "we represent Mr. Spector, we do not represent the witnesses."

Pavelic said he did not violate Fidler's order because he is not set to testify at trial, although he appeared in the evidentiary hearing to determine if Lee had hidden evidence.

Since the May 31 e-mail, Lee has not responded to numerous e-mails and phone messages from The Times.

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