



Ex-Spector lawyer ruled in contempt

Sara Caplan cites attorney-client privilege for not testifying before the jury. The judge orders her jailed but allows time for appeal.

By John Spano, Times Staff Writer
June 19, 2007

In a dramatic courtroom confrontation, Phil Spector's former lawyer broke down in tears Monday as she was cited for contempt of court after refusing to testify against her one-time client.

Sara Caplan told Los Angeles County Superior Court Judge Larry Fidler that she could not testify about the crime scene without betraying music producer Spector, now on trial in the February 2003 murder of actress Lana Clarkson.

"I have great respect for this court, for the Constitution of the United States and the state of California, and the ethical obligations of attorneys in this state," said Caplan, who insisted that attorney-client privilege should protect her from being forced onto the witness stand.

Fidler then cited Caplan, noting he had twice before warned her she would be held in contempt if she persisted in refusing to testify.

"Having no choice," Fidler said, he found Caplan "in direct contempt."

Fidler ordered Caplan jailed, but delayed enforcing the ruling until Friday to give her time to appeal.

Spector leaned forward on a cupped hand, watching as his former lawyer spoke.

After Caplan left the court, Fidler, who has remained firmly in charge of one of the rare criminal trials allowed to be televised live, remarked:

"I can certainly admire her for taking this stand on her principles, but there's a difference between admiring her and agreeing with her."

The contempt citation stemmed from allegations that famed forensic scientist Henry C. Lee, who is working for the defense, had removed a small object from the crime scene and failed to report it to the district attorney.

Prosecutors said the item was a fingernail blown off in the gun blast that killed Clarkson, and they argued it could have shown that Spector, not the 40-year-old actress, pulled the trigger.

Spector has contended that Clarkson shot herself.

During a hearing without the jury present, Caplan testified she saw Lee collect an object from the foyer of Spector's Alhambra villa, where Clarkson's body was found slumped in a chair. Fidler cited Caplan's credibility in imposing sanctions on the defense.

But Caplan, who represented Spector in 2003, has refused to testify in front of jurors, saying doing so would violate the attorney-client relationship.

The excitement over the contempt finding livened the ninth week of a criminal trial that had succumbed, as one observer stated, to a "conga line" of dry crime scene experts.

Three prosecution experts testified without adding much to what jurors had already heard about the night when Clarkson, her hopes for a Hollywood career diminishing, accepted an offer from Spector to go to his Alhambra home.

Firearms expert James Carroll lectured jurors on scientific laws propounded by Isaac Newton.

He testified that the barrel of the murder weapon was inside Clarkson's mouth when it discharged. But he could not say, as defense lawyer Linda Kenney Baden pointed out, whose finger was on the trigger.

Likewise, county coroner criminalist Steven Dowell testified that extensive gunshot residue was found on Clarkson's hands.

The "decedent may have discharged a firearm or had her hands in the immediate area of the gun," said Dowell, who has examined residue in 7,000 cases in a long career. "I cannot tell you which of those occurred."

Gunshot residue was also found on Spector's hands, said Christine Pinto, criminalist for the Sheriff's Department crime lab. Tests showed that Spector had been in "an environment of gunshot residue," but not whether he had fired the murder weapon, handled it or even been in direct contact with it.

"I cannot identify the shooter based on the results of this test," Pinto said.

She testified that particles of gold were detected on Spector's hands, but said test results offered no explanation for their presence.

But most of the action in court surrounded Caplan.

Earlier, her attorney, Michael Nasatir, said that forcing the lawyer to testify would be "unprecedented."

He suggested that Fidler could declare Caplan "unavailable" and then allow a transcript of her earlier testimony to be read into the record for jurors. On his way out of the courthouse, Nasatir was asked if he would appeal.

"You can count on it," he said.

john.spano@latimes.com
