

Los Angeles Times



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From the Los Angeles Times

## Phil Spector's second trial opens as a replay of the first

A prosecutor says the music producer has 'a very rich history of violence' that ended in the murder of actress Lana Clarkson. The defense asks for a mistrial, but is denied.

By Harriet Ryan

October 30, 2008

Thirteen months after a jury deadlocked over the guilt of legendary music producer Phil Spector in the death of an actress, a prosecutor rose before a second jury Wednesday and offered them the same promise he made to the first.

"You will be introduced to the real Phillip Spector," Deputy Dist. Atty. Alan Jackson told the Los Angeles County Superior Court panel. That man, he said, has "a very rich history of violence" toward women that culminated with the murder of Lana Clarkson in the foyer of his Alhambra mansion in 2003.

"She was simply the last in a very long line of women who had suffered abuse at the hands of Phillip Spector over the years," Jackson said.

The prosecutor's focus in his opening statement on allegations by five women that Spector menaced them with guns in the three decades leading up to the shooting angered the producer's defense.

His attorney asked for a mistrial, saying the emphasis on the prior incidents amounted to trying the producer's character rather than his guilt in Clarkson's death.

"I think the jury has been poisoned intentionally," said lawyer Doron Weinberg.

Judge Larry Paul Fidler, who has repeatedly ruled the testimony of the women admissible, denied the mistrial motion, but instructed the prosecutor to cease using the word "pattern" to describe Spector's behavior.

The mistrial request -- made outside the presence of the jury -- was a rare deviation from the script laid down last year at Spector's first trial. Prosecutors relied on a multimedia presentation similar to the one they used then, and the defense, which contends Clarkson killed herself, advertised the same expert witnesses and scientific evidence.

Spector, rarely animated during last year's proceeding, was even less so as his retrial got underway. Wearing a snowy white tie and pocket square that stood out against a long black suit jacket and black shirt, he spent much of the day staring forward at the defense table, acknowledging neither the attorney speaking nor photos that flashed on the screen above his head.

The 68-year-old, renowned for his work with artists including the Beatles, the Ronettes and Tina Turner, faces a minimum of 18 years in prison if convicted of second-degree murder. The jury at his first trial deadlocked 10 to 2 in favor of his guilt.

His lawyer told jurors that the accounts of the women -- friends or lovers who say he terrorized them when he was drunk and they wanted to leave his side -- were exaggerated and irrelevant to Clarkson's death.

"It's true that he has exhibited guns. It's true that he has waved guns, but he has never fired a gun at a living being," Weinberg said.

Clarkson, 40, died just three hours after meeting Spector at the House of Blues, the Sunset Strip music club where she worked as a hostess. The producer invited her to his palatial home for a nightcap, and DNA evidence indicates the pair shared several drinks and some intimate contact.

The prosecutor said Clarkson had her purse slung over her shoulder and "was ready to leave" when Spector shot her.

"This is how Phil Spector met Lana Clarkson," Jackson said as a glamorous head shot of the smiling blond actress appeared on a projection screen.

"This is how he left her," he said as a police photo appeared showing Clarkson sprawled dead in a chair with blood on her mouth and nose.

In the crowded spectators' gallery, there was a soft gasp.

Jackson bolstered his address with a multimedia presentation that included videotaped testimony of a woman -- now dead -- who claims Spector held her at gunpoint on two occasions and a recording of a 911 call placed by Spector's chauffeur. The driver claims Spector emerged from the back door of his home moments after the shooting with blood on his hands and said, "I think I killed somebody."

Spector's attorney said Clarkson had pulled the trigger of the .38 Special pistol. Clarkson, he said, was depressed over her acting career,

which had faltered after her starring role in the 1985 cult film "The Barbarian Queen." He said a man she loved had recently dumped her and she was abusing prescription pain-killers.

"As drunk as she was with the Vicodin to see a gun in that moment to do something impulsive and self-destructive is entirely consistent with where she was in her life," he said.

He maintained that the chauffeur, a Brazilian, misheard Spector's words because of a number of factors, including a loudly burbling fountain nearby and his difficulty understanding English.

Both sides maintain that forensic evidence supports their case. The prosecutor touted the conclusion of a criminalist who said bloodstains on Spector's jacket placed him within two to three feet of Clarkson at the time the gun went off.

Spector's attorney said their own medical experts would testify that "virtually all" gunshot wounds inside the mouth were self-inflicted and that "not a single piece of scientific evidence" contradicted their theory that Clarkson died at her own hand.

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