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Los Angeles Superior Court

OCT 21 2005

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE
OF CALIFORNIA,

Plaintiff,

v.

PHILLIP SPECTOR,

Defendant.

Case No. BA255233

MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION
TO DEFENSE MOTION TO
EXCLUDE FIREARMS EVIDENCE

Date: October 27, 2005

Time: 8:30 a.m.

Dept.: 106

Defendant Phillip Spector has moved to exclude evidence of the thirteen firearms seized from his home after the shooting of victim Lana Clarkson. Defendant contends that evidence of these thirteen weapons -- which are in addition to the murder weapon also seized by detectives -- is irrelevant and is being offered by the People only to show that defendant "is the type of person who surrounds himself with guns." (Def. Brief at p. 5.)

Two of the other "weapons" seized -- a blank gun and a Crossman air pistol -- will not be offered by the People during the case in chief. The People, however, intend to offer evidence of the remaining 11 firearms during the case in chief. Evidence of

1 these 11 operable -- and in some cases loaded -- firearms is
2 relevant and admissible to demonstrate circumstantially that the
3 murder weapon itself belonged to defendant and was not brought by
4 victim Clarkson to defendant's home on the night of the killing.
5 This fact is relevant to rebut defendant's claims that the victim
6 brought the Colt Cobra with her to the house that night and later
7 used that weapon to kill herself.

8 Evidence of defendant's possession of other firearms and
9 firearm-related evidence is also admissible to corroborate the
10 testimony of the Evidence Code section 1101(b) victims who will
11 testify in this case.

12 Finally, Evidence Code section 352 does not require exclusion
13 of this evidence, because its probative value on the two issues
14 described above is great and the potential for prejudice is
15 minimal.

16 BACKGROUND

17 1. Clarkson's Death and the Crime Scene Investigation

18 Defendant met victim Clarkson early in the morning of February
19 3, 2003 at the House of Blues nightclub where she was employed. At
20 defendant's invitation, Clarkson returned with defendant to his
21 Alhambra home after completing her work shift at approximately 2:21
22 a.m. Clarkson rode with defendant to the house in his Mercedes,
23 which was driven by his driver, Adriano DeSouza.

24 From approximately 3:00 a.m. until 5:00 a.m., Clarkson was
25 alone with defendant inside his home. At approximately 5:00 a.m.,
26 Clarkson was killed by a single gunshot wound to the mouth.

1 Circumstantial evidence establishes that the muzzle of the murder
2 weapon was inside her mouth when it was fired. At the time of her
3 death, she was seated in a chair in the rear foyer of defendant's
4 home, a few feet from the back door of the residence, with her
5 purse slung over her shoulder. Defendant's driver, Adriano
6 DeSouza, was in the motorcourt on the other side of the back door,
7 waiting with defendant's Mercedes to drive Clarkson back to her car
8 in West Hollywood. Shortly after Clarkson was shot, defendant
9 opened the back door with a revolver in his right hand and told
10 DeSouza, "I think I killed somebody."

11 DeSouza left defendant standing in the doorway and drove the
12 Mercedes off of the property and down to the street. There,
13 DeSouza called 911. Alhambra police officers subsequently arrived
14 at the scene. They eventually found and confronted defendant at
15 the rear foyer of the house. Defendant refused to comply with the
16 officers' repeated commands to remove his hands from his pockets
17 and exit the house, and the officers eventually detained him in the
18 foyer after "tasing," tackling, and then handcuffing him.
19 Additional Alhambra officers eventually arrived at the scene. They
20 removed defendant from the scene and took him to the Alhambra
21 Police Station for booking. Other officers remained at the scene
22 and secured it for homicide investigators.

23 The Los Angeles County Sheriff's Department later arrived at
24 the scene to conduct its homicide investigation. During their
25 crime scene investigation, Sheriff's detectives found the gun that
26 killed Clarkson, a .38 caliber Colt Cobra revolver, lying on the
27

1 floor beneath her left calf. The weapon was loaded with five live
2 rounds and one discharged round under the hammer. Four of the live
3 rounds, as well as the discharged round, were Smith and Wesson .38
4 Special "+P" rounds, a relatively obscure high-velocity .38 Special
5 ammunition that has not been manufactured in more than ten years.
6 The sixth round was a more common Speer .38 Special round.

7 In the partially open top drawer of a bureau next to where
8 Clarkson was seated, detectives found a leather holster,
9 manufactured by the Hunter Company, a small holster manufacturer
10 based in Colorado. The holster was designed to fit small-framed
11 Smith and Wesson and Colt revolvers, including the Colt Cobra
12 murder weapon.

13 In the master bedroom on the second floor of the residence,
14 detectives found and seized five additional guns: (1) a Smith and
15 Wesson .38 caliber/.357 Magnum revolver loaded with six live rounds
16 of Smith and Wesson .38 Special "+P" ammunition; (2) a Smith and
17 Wesson .38 caliber revolver loaded with five live rounds of Smith
18 and Wesson .38 Special "+P" ammunition; (3) a Browning 9mm semi-
19 automatic pistol; (4) a Star .25 caliber semi-automatic pistol; and
20 (5) a High-Standard 12 gauge pump-action shotgun. In the same
21 room, detectives also recovered (1) a zip-lock bag containing eight
22 live rounds of Smith and Wesson .38 Special "+P" ammunition and ten
23 live rounds of Winchester 9mm ammunition and (2) a PMC ammunition
24 box containing 40 live PMC .38 Special rounds, one live Speer .38
25 Special round, and two live Smith and Wesson .38 Special "+P"
26 rounds.

1 In an office also on the second floor of the residence,
2 detectives found and seized six more handguns: (1) a .38 caliber
3 Colt Army revolver; (2) a .38 caliber Colt Detective Special
4 revolver; (3) a Smith and Wesson 38 caliber/.357 Magnum revolver;
5 (4) a Smith and Wesson .38 caliber revolver; (5) a High-Standard
6 .22 caliber revolver; and (6) a second .38 caliber Colt Detective
7 Special revolver loaded with six live rounds of Remington-Peters
8 .38 Special ammunition. Both the Smith and Wesson .38 caliber/.357
9 revolver and the High-Standard .22 caliber revolver were contained
10 in holsters manufactured by the Hunter Company. From this room,
11 detectives also seized (1) a Speer ammunition box which contained
12 22 live Speer .38 Special rounds, four live Remington-Peters .38
13 Special rounds, one live Federal .38 Special round, and one live
14 Smith and Wesson .38 Special "+P" round; and (2) a plastic tub
15 containing 43 miscellaneous live rounds of ammunition, including
16 two live Smith and Wesson .38 Special "+P" rounds, and 11 live
17 Speer .38 Special rounds.

18 **2. Histories of the Seized Firearms**

19 During the investigation, detectives obtained ATF and
20 California Department of Justice histories for the 12 seized,
21 operable firearms. Two of the guns, the High-Standard .22 revolver
22 and the High-Standard shotgun, were purchased by the defendant in
23 1967 and 1972, respectively. Five of the guns -- the two Smith and
24 Wesson revolvers found in the office, one of the Colt Detective
25 Special revolvers found in the office, a Smith and Wesson revolver
26 found in the master bedroom, and the Browning pistol found in the
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1 master bedroom -- were purchased by defendant's friend, Nino Tempo.
2 Tempo told investigators that he bought the guns in the 1970's and
3 subsequently sold them to defendant. These private party
4 transactions between Tempo and defendant pre-date modern firearms
5 reporting laws and were not recorded with either the federal or
6 state governments.

7 The remaining five handguns, including the murder weapon, have
8 incomplete histories. The last known owners are neither defendant
9 nor anyone with an obvious connection to him. The second Colt
10 Detective Special found in the office was purchased by a Dr. Brian
11 Alpert from a pawnshop in Kentucky in August 1974 and there are no
12 further records of ownership. The Colt Army revolver found in the
13 office was manufactured by Colt in 1920 and no further ownership
14 records exist. One of the Smith and Wesson revolvers found in the
15 master bedroom was purchased in April 1975 by a Joseph Surgent from
16 a gun dealer in Monrovia and there are no further records of
17 ownership. The Star .25 caliber pistol was shipped to a Texas gun
18 dealer in 1965 and no further records of ownership exist. Like
19 these other guns, the Colt Cobra murder weapon also has an
20 incomplete history: it was shipped from Colt to a Texas gun dealer
21 in May 1971 and there are no further records of ownership.

22 3. Defendant Spector's Post-Arrest Claims

23 While at the jail after his arrest, defendant was belligerent
24 and uncooperative with the jailers. He was obviously intoxicated
25 and refused to provide answers to standard booking-type questions.
26 Defendant was placed in an interview room so that he could calm
27

1 down, hopefully sober up a little, and then provide the necessary
2 booking information. Officer Derek Gilliam was ordered to sit in
3 the interview room with defendant.

4 Gilliam did not interrogate defendant about the shooting, but
5 responded appropriately when defendant began to talk about his
6 record production work. Ultimately, and not in response to any
7 question or statement from Gilliam, defendant volunteered to
8 Gilliam that he "didn't know where [Clarkson] got the gun from,"
9 but that she started waving it around while singing his songs and
10 then placed the gun to her head and pulled the trigger. Defendant
11 then demonstrated the victim's claimed "suicide" several times by
12 forming his right hand into the shape of a gun, placing the
13 "muzzle" (his index finger) to the right side of his head, letting
14 the "hammer" (his thumb) fall, and then jerking his head backwards
15 as if shot. A copy of Officer Gilliam's report of his contact with
16 defendant is attached hereto as Exhibit A.

17 A few hours later, after defendant had finally provided
18 booking information, Alhambra Police Detective Esther Pineda walked
19 down to the jail to determine whether he wanted to talk to the
20 Sheriff's detectives. Pineda's entire conversation with defendant
21 was tape-recorded and a copy of the transcript is attached hereto
22 as Exhibit B. Near the end of the conversation, and not in
23 response to any interrogation about the shooting by Detective
24 Pineda, defendant called the victim a "piece of shit" and
25 reiterated his claim that she committed "suicide." (Exhibit B at
26 pp. 19-21.)

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1 Since his release from custody, defendant has persisted in his
2 claims that the victim brought the Colt Cobra with her and then
3 committed suicide in his home. In an Esquire Magazine article
4 published in July 2003, defendant told reporter Scott Raab:

5 ***I don't know where or how she got the gun.***
6 She asked me for a ride home. Then she wanted
7 to see the castle. She was loud -- she was
8 loud and drunk even before we left the House
9 of Blues. She grabbed a bottle of tequila
from the bar to take with her. I was not
drunk. I wasn't drunk at all. There is no
case. ***She killed herself.*** (Exhibit C at p.
92 [emphasis added].)

10 At a press conference after his September 27, 2004 arraignment on
11 the current indictment, defendant announced:

12 [B]y not having a preliminary hearing, it also
13 prevents from testifying three of the most
14 respected forensic scientists, pathologists,
15 and coroners in the world, Dr. Henry Lee, Dr.
16 Michael Baden, and Dr. Cyril Wecht, who have
17 all thoroughly examined and reviewed the
autopsy report of the deceased and concluded,
beyond a reasonable doubt, ***that the deceased's
wounds were consistent with that of a self
inflicted wound, and that these three eminent
coroners would not have ruled it a homicide.***
18 . . . And why does [the District Attorney]
19 not want the judge and the public to know that
the deceased was legally intoxicated on the
20 drug, vicodan [sic] and alcohol ***at the time
she took her own life.*** And that her D&A [sic]
21 was found on the gun, not mine; and that my
fingerprints were not on the gun; and that Dr.
22 Henry Lee found no "crime scene" in my home on
the morning of February 3, 2003, ***and that the
gun the deceased used to kill herself was not
owned by me nor registered to me.*** (Exhibit D
23 at p. 1 [emphasis added].)

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1
2 ARGUMENT

3 I.

4 **DEFENDANT'S POSSESSION OF THE OTHER
5 FIREARMS AND RELATED EVIDENCE IS
6 RELEVANT AND ADMISSIBLE TO ESTABLISH
7 HIS OWNERSHIP OF THE MURDER WEAPON**

8 Except as otherwise provided by statute, all relevant evidence
9 is admissible. (Evid. Code § 351.) Proposition 8, enacted by the
10 voters in 1982, reiterated the primacy of the admissibility of all
11 relevant evidence in criminal proceedings:

12 Right to Truth-in-Evidence. Except as
13 provided by statute hereafter enacted by a
14 two-thirds vote of the membership in each
15 house of the Legislature, relevant evidence
16 **shall not** be excluded in any criminal
17 proceeding[.] . . . Nothing in this section
18 shall affect any existing statutory rule of
19 evidence relating to privilege or hearsay, or
20 Evidence Code, Sections 352, 782, or 1103.
21 (Cal. Const. Art I, § 28(d) [emphasis added].)

22 "'Relevant evidence' means evidence, including evidence relevant to
23 the credibility of a witness or hearsay declarant, having **any**
24 tendency in reason to prove or disprove any disputed fact that is
25 of consequence to the determination of the action." (Evid. Code §
26 210 [emphasis added].)

27 Establishing defendant's ownership of the Colt Cobra murder
28 weapon is central to the People's case. To establish homicide, the
People must prove that Clarkson died at the hands of another. By
definition, that "other" must be defendant because Clarkson and
defendant were the only two people in the house at the time of the
shooting. Showing that the Cobra belonged to the defendant is
absolutely essential to establishing homicide. Once that fact is

1 proved, the jury, in order to conclude that Clarkson killed
2 herself, would have to believe that she came unprepared to kill
3 herself to a home she had never been to before, but for some reason
4 decided to commit suicide, looked around for the means to do so,
5 and just happened to find a loaded revolver nearby.

6 Moreover, possession and ownership of the Colt Cobra is also
7 a disputed fact. It is clear from defendant's statements that,
8 through either cross-examination or the affirmative presentation of
9 evidence, the defense intends to suggest (1) that Clarkson brought
10 the Colt Cobra with her to defendant's home and (2) used that
11 weapon to kill herself. To be successful, defendant need only
12 raise a reasonable doubt about ownership of the gun and from that
13 point argue that if Clarkson brought the gun with her, it is likely
14 she used it on herself.

15 The firearms evidence described above circumstantially rebuts
16 that suggestion, and establishes beyond a reasonable doubt that the
17 murder weapon belonged to the defendant and was not brought by
18 Clarkson to his home. The Colt Cobra was not the only gun in
19 defendant's home on the morning of Clarkson's death. The fact that
20 defendant had eleven other firearms in his house -- eight of them
21 revolvers similar to the murder weapon -- is a fact which tends to
22 establish that the Colt Cobra also belonged to him. Three of those
23 revolvers were fully loaded (just like the murder weapon) and two
24 were loaded with the same Smith and Wesson .38 Special "+P"
25 ammunition that made up five of the six rounds in the Cobra, facts
26 which also tend to prove the murder weapon belonged to defendant.

1 The additional loose rounds of Smith and Wesson .38 Special "+P"
2 ammunition found upstairs, as well as the loose rounds of Speer .38
3 Special ammunition (the same ammunition as the sixth round
4 contained in the Cobra) further reinforce the inference that the
5 Colt Cobra belonged to defendant and was not brought by Clarkson to
6 the house. Two of the guns upstairs were contained in Hunter-brand
7 holsters, the same company that manufactured the empty holster --
8 found in the bureau next to Clarkson -- that fit the murder weapon.
9 These facts, too, demonstrate that the murder weapon belonged to
10 defendant and not to Clarkson. Finally, of the eleven firearms
11 seized in addition to the murder weapon, only two -- the High-
12 Standard .22 revolver and the High-Standard 12 gauge shotgun --
13 were, according to firearms' traces, "registered" in defendant's
14 name. The fact that the murder weapon was not in defendant's name,
15 then, is not inconsistent with his ownership and possession of that
16 gun. Indeed, defendant's practice of buying firearms through
17 unrecorded private party transactions -- as he did with Nino Tempo
18 -- shows that he is likely to own weapons that, technically, are
19 not registered to him.

20 People v. Henderson (1976) 58 Cal.App.3d 349, cited by
21 defendant in his moving papers, is simply inapposite to the
22 immediate case. In Henderson, there was no connection between the
23 weapon used in the charged assault and the other weapon brought up
24 by the People during cross-examination, either through similarity
25 of design, both being loaded with identical ammunition, or both
26 being contained in holsters manufactured by the same company. More
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28

1 importantly, in Henderson there was no dispute as to the
2 defendant's ownership or possession of the weapon used in the
3 charged assault, a fact which in this case is both material and
4 disputed.

5
6 **II.**
7 **DEFENDANT'S POSSESSION OF THE OTHER**
8 **FIREARMS AND RELATED EVIDENCE IS**
9 **RELEVANT TO CORROBORATE THE 1101(b)**
10 **VICTIMS WHO WILL TESTIFY ABOUT OTHER**
11 **FIREARM-RELATED ASSAULTS**

12 This Court has already ruled, pursuant to Evidence Code
13 section 1101(b), that four other female victims will be permitted
14 to testify about prior firearm assaults by defendant that occurred
15 in the late 1980's and early 1990's. Three -- Diana Ogden, Melissa
16 Grovesnor, and Dorothy Melvin -- will testify about assaults that
17 occurred in defendant's home. Two -- Ogden and Grovesnor -- will
18 testify that the assaults occurred after they stated they wanted to
19 leave defendant's home and return to their own home and hotel room,
20 respectively. One -- Stephanie Jennings -- will testify that the
21 assault occurred in her hotel room when she refused to leave and
22 come to defendant's hotel room. Ogden, Grovesnor, and Jennings
23 will testify that the assaults occurred suddenly, after defendant
24 claimed some sort of provocation and immediately retrieved a
25 handgun.

26 Relevant evidence includes evidence relevant to the
27 credibility of any witness. (Evid. Code § 210.) Defendant's
28 possession of numerous handguns, some of them fully loaded,
corroborates the testimony of the 1101(b) victims described above.

1 It demonstrates, consistent with the testimony of these victims,
2 that defendant maintained and had immediate access to loaded
3 handguns which enabled him to commit assaults suddenly and upon the
4 slightest perceived provocation. Moreover, defendant's possession
5 of the High-Standard pump action shotgun (which he bought in 1976)
6 specifically corroborates Dorothy Melvin's description of his
7 assault upon her in 1993. After assaulting Melvin inside his home
8 with a revolver, defendant chased Melvin down his driveway with
9 what she described as a pump-action shotgun.

10 **III.**
11 **EVIDENCE CODE SECTION 352 DOES NOT**
12 **REQUIRE EXCLUSION**

13 The court, in the exercise of its discretion, may exclude
14 otherwise relevant evidence if its probative value is
15 "**substantially** outweighed" by the probability that its admission
16 will cause undue prejudice. (Evid. Code § 352 [emphasis added].)
17 Section 352 does not require exclusion of the firearms evidence in
18 this case.

19 The probative value of the firearms evidence is strong. It
20 establishes, contrary to defendant's assertions, that the murder
21 weapon belonged to him and was not brought to the scene by the
22 victim in anticipation of a suicide. As argued above, it also
23 corroborates the 1101(b) victims in this case by demonstrating the
24 availability of loaded guns that defendant could use suddenly upon
25 any perceived provocation.

26 Most importantly, the possibility of prejudice, if it exists
27 at all, is minimal given the evidentiary posture of this case.

1 This Court has already ruled that four 1101(b) victims may testify
2 about defendant's previous assaults upon them using firearms. In
3 light of that testimony, evidence of defendant's possession of
4 other guns -- which in and of itself is not a crime -- cannot be
5 considered substantially prejudicial.

6 **CONCLUSION**

7 Based upon the he forgoing, the People request that the Court
8 deny defendant's motion to exclude evidence of firearms, and permit
9 testimony regarding not only the Colt Cobra used to kill victim
10 Clarkson, but also evidence of the eleven other operable firearms
11 and the ammunition and holsters found with them.

12
13 Dated: October 20, 2005

Respectfully submitted,

14
15 **Douglas Sortino**

16 _____
17 Douglas Sortino
18 Deputy District Attorney
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EXHIBIT A

ALHAMBRA POLICE DEPARTMENT

211 SOUTH FIRST STREET ALHAMBRA, CA 91801

SUPPLEMENTAL REPORT

DR

03-00873

DATE

02/03/2003

TIME

13:30

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PARTIES	NAME (LAST, FIRST, MIDDLE)	CODE	ADDRESS	PHONE
	Spector, Phillip	S	1700 S. Grandview Dr. Alhambra, Ca. 91801	Unobtained

CODES: V - VICTIM S - SUSPECT W - WITNESS R - REPORTING PARTY O - OTHER

Upon my arrival to Alhambra Police Dept. at approx. 0530 hours, I was advised by W/C Sgt. Oda (222) that a possible shooting was being investigated by fellow officers at Pyrenees Castle (1700 S. Grandview Dr.) and that I need to respond immediately to assist. Officer Heckers (135) and I immediately took an available unit and began responding to the location.

Upon arrival at approx. 0559 hours I saw Ofcr. Reyes outside the closed gate of the residence. Ofcr. Reyes told me that they are searching the inside of the residence and would like assistance. We entered the front gate, walked up several steps and entered the residence through the double doors, located at the front of the residence. Upon entering the house I observed a blonde, female slouched in a chair located on the east side of the entrance hallway, directly across from the stairwell. Officer Hammond requested my assistance upstairs. When walking up the stairs, I briefly turned to my left and saw the female with her legs stretched out directly in front of her. I saw blood coming from both nostrils and blood coming from the right side of her mouth. I saw her arms over the arm rests of the chair. Her lower lip was either swollen or she had an extreme underbite. She was wearing black short dress with black fish net nylons. Her hair was a dish water blonde.

I arrived at the top of the stairs with Ofcr. Reyes, Ofcr. Hammond, and Corp. Page we continued our search of the house. I was told to cover the balcony which approx. covers the north side of the upstairs of the residence. Officer Cardella advised all officers that were upstairs that all was clear. Officer Hammond, Officer Reyes, Officer Tamayo and I then searched the garage area and advised that it was clear.

While monitoring my portable radio, I heard Officer Heckers transporting S-Spector to A.P.D. for booking. Knowing that S-Spector was uncooperative at the residence I chose to respond to the station to assist Officer Heckers. Upon my arrival I entered the jail and found S-Spector sitting on the waiting bench in the booking area and Officer Heckers standing to the left of him.

S-Spector was very belligerent and began calling the jailor a "fat ass" He refused to talk to anyone and kept making obnoxious statements to the jailor. S-Spector was extremely angry and kept asking if we were doing anything about the dead lady in his residence. I responded, "Yes." He continued to ignore our request to cooperate during the booking process and he continued to deny us any form of response. S-Spector asked if he could call Robert Shapiro, immediately I told him, "the quicker he cooperates the quicker he will be allowed to make his phone call, but we need to know who he is." The jailors photographed him and he continued to become more and more defensive and belligerent. I smelled a strong odor of alcohol emitting from his breath and when he talked he had very dry mouth. His words were slurred together and he had a tough time maintaining his balance. His eyes were bloodshot and continually asked me to call "Robert" for him. I told him that I do not know Robert's phone number and that we will definitely provide him the opportunity to make his call. The jailors who were present continued to try to get him to answer their questions, but he was still very uncooperative.

The jailers then chose to put him in an interview room to hopefully sober up and relax. I was instructed by Sgt. Oda to sit with him until he was willing to cooperate. He had started to tell me about his song writing and some of the big names he worked with, and relationship with George Harrison. I told him that I believe my uncle is friends with George Harrison and he asked who my uncle was and I told him Terry Gilliam from Monty Python. He laughed and rambled on about another officer a long time ago who had told him that he had family in show business as well. I told him I was being honest and that I had no reason to lie to him. S-Spector told me that he had owned the rights to Monty Python at one time. He then looked at me with a blank stare and said, "Do you know that there is a dead women in my house and what are you doing about it." I advised him that we had officers at his home providing protection for the crime scene. He looked at me again with a blank stare and asked me what happened at his house. I told him, "I wasn't there and so I did not know what happened." He repeated the question two more times with alot more anger and emotion each time and I repeated the same answer each time.

REPORTING OFFICER

Gilliam

PSN

SUPERVISOR APPROVING REPORT

234

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COPY
SUPPLEMENTAL REPORT

ALHAMBRA POLICE DEPARTMENT

SUPPLEMENTAL REPORT NARRATIVE

DR

03-00873

DATE

PAGE

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manner in hopes of settling him down. He told me that she worked at the House of Blues and was a friend of his. S-Spector changed the subject and told me about some of the bands that he had worked with in the past such as Bush, Bono, The Beatles, and then after the Beatles he began mumbling and I couldn't understand what he was saying. He then told me that he has an up and coming performance with Bono in New York and said that he had to go because he needed to get on a plane to New York.

S-Spector looked at the ground and slowly raised his head stating to me, "I don't know where she got the gun from but she started waving it around." He said that he told her to put it down, he said, she refused. S-Spector told me that she began singing his songs that he wrote such as: you've lost that loving feeling and Da Do run run. He stated that she stuck the gun to her head and pulled the trigger. He then said that he continually tried to wake her up.

During the time that he was telling me about the victim and her actions, he was extremely animated with his actions. S-Spector took his right hand and formed it into a gun by folding his three lower fingers (pinky to middle finger) pointing his index finger straight out, and holding his thumb in a manner which reflects the hammer of a gun. He would put it to the right side of his head and move his thumb in the same manner that a hammer on a gun would move. When he would pretend to pull the trigger he showed me the way her head went back and how she wouldn't move. A couple times he would hold the position of his head on the back of the chair for approx. 5-10 seconds I was a little concerned because each time he performed the scenario it was done with more and more emotion and he would hold his head back longer. During one of the demonstrations he looked at me smirked and said, "you don't pull a gun out on me," and did a slight giggle. He made this statement slightly quieter than all of his other statements. He asked me again if I had Roberts phone number and I advised him that I did not.

I asked him if he was willing to cooperate with the jailers now so that we could get his booking process done and allow him to make his phone calls. S-Spector stated, "Yes, OK." We exited the interview room and walked back over to the jailers front desk. I had him remove both of his watches and attempt to remove his rings. He was unable to remove his rings, so I allowed him to keep them on his fingers. He provided us with all the information with a slight hesitation, but upon completion he made his phone calls. At this time Corp. Suarez (191) came into the jail and asked S-Spector if he would be willing to perform a breathalyzer test, he stated, "No." I also asked him, and he repeated he was still unwilling to do the test.

I then requested S-Spector to remove his clothing so that I could collect it as evidence. At this point, he was very cooperative with us. The jail provided him with clothing. I watched S-Spector as he changed his clothes and after he took them off he set them on the floor of the cell. I collected the evidence off of the floor using Diamond Grip Plus, powder free latex exam gloves and put each piece of clothing in a separate bag to avoid any contamination. I then folded the tops of the bags and requested the assistance of Officer Kim to help me staple and secure the evidence (see property sheet for further details).

COPY

REPORTING OFFICER

Gilliam

PSN

SUPERVISOR APPROVING

PSN

SUPPLEMENTAL REPORT

EXHIBIT B

COUNTY OF LOS ANGELES DISTRICT ATTORNEY'S OFFICE

In the Matter of:

People of the
State of California,

Plaintiff,

PHILLIP SPECTOR,

Defendant.

Case No. GA048824

TRANSCRIPTION OF TAPE-RECORDED STATEMENT OF
PHILLIP SPECTOR

ALHAMBRA POLICE DEPARTMENT

In the Matter of:)
)
Transcription of taped statement) Case No. GA048824
of Phillip Spector.)
)
_____)

Transcription of tape-recorded
statement of Phillip Spector, by Detective
Esther Pineda.

PINEDA: Esther Pineda
SPECTOR: Phillip Spector
UV1: Unidentified Female Jailer
UV2: Unidentified Mail Jailer
***: Unintelligible

LOS ANGELES COUNTY, CALIFORNIA

-- o0o --

PINEDA: Mr. Spector come on over. Mr. Spector, do you wanna talk to a detective? I'm a detective. I understand you wanna speak to a detective.

SPECTOR: I would like to have my phone call first.

PINEDA: Oh, you don't wanna speak to a detective?

SPECTOR: No. I want --

PINEDA: Okay. Then I'm gonna go.

SPECTOR: Oh, I'd like to have the phone call at some point in time. May I?

PINEDA: I think --

UV1: We already gave him his phone calls.

PINEDA: -- you had your phone calls; right?

SPECTOR: I haven't made a phone call at all. I've been here, uh -- what time is it? It's eight -- what the hell is it? And --

PINEDA: It's almost 12:00. It's a quarter to 12:00. Okay. I thought you wanted to speak to a detective.

SPECTOR: Oh, I was -- no. I thought they wanted to talk to me, but I would like to make a --

PINEDA: Oh, I do want to talk to you.

SPECTOR: -- but I would like to make a phone call.

1 PINEDA: Okay.
2 SPECTOR: I just don't know what I'm -- I don't
3 know what I'm doing here.
4 PINEDA: Okay. I'll explain all that, but you --
5 SPECTOR: Okay.
6 PINEDA: -- want your phone call. So I'm gonna
7 make sure --
8 SPECTOR: Sure.
9 PINEDA: -- sure you get phone calls.
10 SPECTOR: 752-9393.
11 PINEDA: No. You'll have your opportunity when you
12 go in the room, sir.
13 SPECTOR: Oh.
14 UV1: There you go.
15 PINEDA: Excuse me.
16 UV1: Go ahead and have a seat.
17 PINEDA: You got the -- the phone on?
18 UV2: When you start making ***.
19 PINEDA: Have a seat. ***. Okay.
20 UV1: Just hold on.
21 PINEDA: You gotta put it down.
22 UV1: Down.
23 PINEDA: Hold on, Mr. Spector.
24 UV1: Put it down again.
25 PINEDA: You gotta put the phone down. Okay.

1 UV1: Yeah. Hold on.
2 PINEDA: We'll let you know when.
3 UV1: Go ahead and put --
4 PINEDA: Okay.
5 UV1: Now, go ahead and pick it up.
6 PINEDA: All right.
7 UV2: Want me to do it? Romy?
8 SPECTOR: Hello?
9 UV2: Okay. Hold on for a second.
10 PINEDA: Okay.
11 UV2: I need the number for ***.
12 PINEDA: Okay. Go ahead and have a seat --
13 UV2: It's Romy.
14 PINEDA: Pick up the phone when --
15 UV2: Hang up the phone. I'm gonna transfer it.
16 PINEDA: Hold on. Okay, go ahead and have a seat
17 Mr. Spector.
18 SPECTOR: ***.
19 PINEDA: The person you said -- Romy -- the first
20 name is Jay?
21 SPECTOR: You know Jay Romaine?
22 PINEDA: Yeah. He's at the front counter. He's
23 here.
24 SPECTOR: Jay Romaine is here?
25 PINEDA: Yes, he is.

1 SPECTOR: Oh, bring him in.

2 PINEDA: Okay, we can't bring him in right now, but
3 you are allowed phone calls.

4 SPECTOR: How did you know Jay Romaine is here?

5 PINEDA: Because I saw him at the front counter.
6 I'm speaking with your secretary.

7 SPECTOR: Oh, you spoke to my secretary?

8 PINEDA: Michelle Blaine is here too.

9 SPECTOR: Oh, Michelle Blaine is here too?

10 PINEDA: That's your -- that's your secretary;
11 right?

12 SPECTOR: Oh, good.

13 PINEDA: Hold on. Don't pick up the phone yet
14 until it rings. So you wanna --

15 SPECTOR: Okay. They're here?

16 PINEDA: Yes. So do you want to make your call --

17 SPECTOR: No. I would like to have --

18 PINEDA: Hold on a minute --

19 SPECTOR: I would like to see them --

20 PINEDA: Hold on. We've got another phone call.
21 Hold on.

22 SPECTOR: All right. I know that --

23 PINEDA: Hold on.

24 SPECTOR: I would like to see them in the -- in --
25 in that room.

1 PINEDA: Hold on. Have a seat. Have a seat.
2 UV2: She was just on the line right now, too.
3 PINEDA: I know. Hold on. Okay. Let me --
4 SPECTOR: I'm not sure what's going on.
5 PINEDA: Okay. You wanna see them before you make
6 any calls?
7 SPECTOR: Sure.
8 PINEDA: Okay. If that's what you want. Let me
9 see because --
10 SPECTOR: But I would like to see them in a -- in
11 a --
12 PINEDA: Uh, we wouldn't have you see them in that
13 cell over there. So give me a moment to figure out
14 something.
15 SPECTOR: What cell? Okay.
16 PINEDA: Where you were.
17 SPECTOR: Okay.
18 PINEDA: Hold on. Okay. All right. Just a
19 minute. Let's slow things down. He wants to speak to
20 the people that are here. Now, Michelle Blaine is
21 unavailable, but the Romaine guy -- or Romy?
22 UV2: Uh-huh.
23 PINEDA: -- he is at the front counter.
24 UV2: Female.
25 PINEDA: Romy?

1 UV2: Uh-huh.

2 PINEDA: Okay. Then maybe we have the same -- the

3 people confused because Jay Romy, or Romaine, is at the

4 front counter.

5 UV2: That's a male.

6 PINEDA: That's a male?

7 UV2: Uh-huh.

8 PINEDA: Now, this Romy person is a female?

9 UV2: Uh-huh.

10 PINEDA: Okay. Let me --

11 UV2: Sounds like a girl.

12 PINEDA: Okay. Let me -- well, the guy that I

13 spoke to doesn't really sound like a guy.

14 UV2: [Laughs]

15 PINEDA: Okay. Let me confirm if he wants to speak

16 to his attorney, Romy, or Romaine. Okay? And then

17 we'll -- we'll let him -- now, oh, the question is would

18 he -- if the person is here to visit with him, would

19 they be allowed to visit him right now?

20 UV2: Um, they haven't told us anything. A phone

21 call, yeah, but I don't --

22 PINEDA: A phone call?

23 UV2: I -- I think it'd be the same thing as if

24 you're talking to someone through the ***.

25 PINEDA: Did he get his three phone calls?

1 UV1: He did.
2 PINEDA: Okay. So he's already made his three
3 phone calls.
4 UV1: Mm-hmm.
5 PINEDA: Okay.
6 UV2: He can, uh --
7 UV1: ***.
8 UV2: Go back in there.
9 PINEDA: Okay. Uh, but -- but he gets -- he's
10 allowed to make three --
11 UV2: I think -- yeah, we we're gonna put him in
12 there.
13 PINEDA: -- Completed calls; correct? All right.
14 So I'm gonna advise him that he can make --
15 UV2: But see, he never -- he never talked to
16 anybody.
17 UV1: ***.
18 PINEDA: Okay. He's -- he's allowed three
19 completed phone calls. The visitation -- that's if we
20 -- time allowed. I don't want to be here if he doesn't
21 wanna speak to a detective. So my direction is he can
22 make two more completed calls. Understand? Right?
23 He's owed two more completed calls. If he wants to make
24 those, great. And if not, if he wants to speak to me
25 without talking to visitors, then fine. We'll do that.

1 If he wants to speak to his visitors, that's gonna have
2 to be at some other time. Okay?

3 UV1: The phone calls that we were giving to him as
4 courtesy because he had already done -- we have already
5 given -

6 [Phone Ringing]

7 UV2: Yeah. We already gave him the phone call as
8 a courtesy --

9 PINEDA: Oh.

10 UV2: -- because it's outside of the, um, area.

11 PINEDA: Okay. So he made his three completed --

12 UV1: [Answering phone] Alhambra City Jail. ***.

13 PINEDA: -- cause you get three completed? Right?

14 UV2: Where's the booking sheet?

15 PINEDA: Okay.

16 UV2: Cause that number -- that -- it's -- it's
17 kinda weird. But I called that number, and then when I
18 hung it up, it rang. And I
19 answered it, and it was a female.

20 PINEDA: Okay.

21 UV1: He was giving the wrong number.

22 PINEDA: Okay. But they were completed calls then?

23 UV1: Yes.

24 PINEDA: We wanna --

25 UV1: *** --

1 PINEDA: We wanna give him the opportunity to
2 contact the people he wants to contact.
3 UV2: Uh-huh.
4 UV1: Mm-hmm. Right.
5 PINEDA: Okay. So is he allowed two more calls?
6 UV1: Yeah. That's fine.
7 PINEDA: Okay. Let me -- let me -- let me just let
8 him know that. ***.
9 UV2: Yeah. No problem.
10 UV1: We got a whole shift ***.
11 PINEDA: Okay, Mr. Spector, you made one completed
12 phone call. You're allowed two more. Would you like to
13 make those calls?
14 SPECTOR: No. I would like to see whoever's
15 waiting --
16 PINEDA: Okay.
17 SPECTOR: -- to see me.
18 PINEDA: If you don't wanna make those calls --
19 SPECTOR: I would like to make those calls later.
20 PINEDA: Okay. So that's fine. Do you wanna speak
21 to a detective cause you're gonna be speaking to a
22 detective right now with me.
23 SPECTOR: I'm sorry. I didn't hear what you said.
24 PINEDA: If you want to speak to a detective, you
25 can speak to me, and I'll -- otherwise I'm leaving

1 because visitations with people that are here, that's
2 handled some other time.

3 SPECTOR: I can't see --

4 PINEDA: You can't do it right now.

5 SPECTOR: I can't see them?

6 PINEDA: No. You're allowed three completed phone
7 calls, not visitations at this moment.

8 SPECTOR: I can't have any visitation?

9 PINEDA: That's correct.

10 SPECTOR: I cannot?

11 PINEDA: That's correct.

12 SPECTOR: Cannot?

13 PINEDA: Right now, no.

14 SPECTOR: Well, why -- why can't I not have
15 visitation?

16 PINEDA: Because we have a lot of other business to
17 take care of. Do you wanna make your calls?

18 SPECTOR: Well, I would like to see the people who
19 wanna visit me.

20 PINEDA: Okay. Then you don't wanna speak to me?

21 SPECTOR: Well, I mean, but -- but I can't see
22 them --

23 PINEDA: Would you like to speak to the --

24 SPECTOR: -- first?

25 PINEDA: -- Sheriff's, um, detectives?

1 SPECTOR: No. I can't see them --
2 PINEDA: Excuse me.
3 SPECTOR: -- first?
4 PINEDA: No. You could speak to us now. 'Cause
5 the opportunity is open to you right now.
6 SPECTOR: No. But I would like to talk to them to
7 find out what the hell is going on.
8 PINEDA: Okay.
9 SPECTOR: And talk to Michelle and --
10 PINEDA: I could tell you what you're arrested for.
11 SPECTOR: -- and -- and Jay.
12 PINEDA: Oh, Michelle is talking with the Sheriff's
13 Department's detectives.
14 SPECTOR: Can I just talk to them first?
15 PINEDA: Uh, I can arrange for that later, but I
16 don't wanna wait around if you're not gonna talk to me.
17 SPECTOR: Well, I just wanna talk to them and so I
18 can find out what the hell is going on.
19 PINEDA: Okay. Well, you're being charged with
20 murder.
21 SPECTOR: I'm being charged with murder?
22 PINEDA: Yes. That's one of the things that ***.
23 SPECTOR: Of whom?
24 PINEDA: Okay. Well, I -- I don't have her name
25 yet, but, um, have you contacted your attorney?

1 SPECTOR: No. I haven't been allowed to do a damn
2 thing. That's why I wanted to talk to --

3 PINEDA: Okay.

4 SPECTOR: -- uh, Jay and Michelle.

5 PINEDA: Okay.

6 SPECTOR: Can't I talk to Jay and Michelle --

7 PINEDA: I --

8 SPECTOR: -- first?

9 PINEDA: Umm, Michelle -- you can't talk to 'cause
10 she's talking to somebody else right now. And Jay --
11 I'll -- I'll see what I can arrange with the jail
12 because the law says --

13 SPECTOR: Can I just talk to Jay and Michelle, um,
14 in -- in --

15 PINEDA: You can't.

16 SPECTOR: -- in a room?

17 PINEDA: We can't bring them inside the jail.

18 But --

19 SPECTOR: Oh, I can go out.

20 PINEDA: You've made one completed call.

21 SPECTOR: I haven't made any calls. I swear to you
22 I have not made any calls.

23 PINEDA: Okay. Or -- I don't dispute what you're
24 telling me, but the jailers have logs when you make a
25 call. There were two calls --

1 SPECTOR: To whom?
2 PINEDA: Well, two calls to your --
3 SPECTOR: No, no.
4 PINEDA: -- lawyer.
5 SPECTOR: I made one call to a wrong number.
6 PINEDA: There's two calls you made to a wrong
7 number cause I have three calls altogether.
8 SPECTOR: Two and one -- well, yeah, it was a wrong
9 number.
10 PINEDA: Okay. But you wanna speak to Jay Romaine;
11 right? That's his name?
12 SPECTOR: Yeah.
13 PINEDA: Okay. Because there's a Romy, but she's
14 a -- she's a woman?
15 SPECTOR: Romy was the person I wanted to call who
16 was trying to reach Robert Shapiro.
17 PINEDA: Oh, okay. So did you wanna get a hold of
18 Romy?
19 SPECTOR: To reach Robert Shapiro for me. But if I
20 could get a hold of --
21 PINEDA: Jay?
22 SPECTOR: -- Jay or Michelle --
23 PINEDA: Okay.
24 SPECTOR: -- they could reach Robert Shapiro for
25 me.

1 PINEDA: Okay. Well, let me do this. Um, let me
2 make arrangements to see if -- if we could have Jay come
3 over here --

4 SPECTOR: Okay.

5 PINEDA: -- cause this is kinda where he would
6 visit. Okay?

7 SPECTOR: Okay.

8 PINEDA: Um, if you can get off the counter and use
9 the chair next time. What I'm gonna do is temporarily
10 keep you right here.

11 SPECTOR: What -- what's happening to my house?

12 PINEDA: Uh, I don't know 'cause I'm not there
13 right now.

14 SPECTOR: Oh, you mean they're there?

15 PINEDA: I'm not at your house, no.

16 SPECTOR: No. But I mean what happened at my
17 house?

18 PINEDA: That I -- that's what I'd like to ask you.

19 SPECTOR: No. But I mean what's happening at my
20 house?

21 PINEDA: Uh, I don't know because I'm not there.

22 SPECTOR: Can I get my attorney there? I mean how
23 do I -- see, I mean how -- how do I get -- how do I find
24 out what is going on?

25 PINEDA: Okay. Well, first --

1 SPECTOR: I can tell you what happened, but I can't
2 tell -- tell anybody what's going on there now.

3 PINEDA: Well, I don't know either. If you wanna
4 tell me what happened, great.

5 SPECTOR: But --

6 PINEDA: But you were -- you were arrested for
7 murder.

8 SPECTOR: Well, of whom?

9 PINEDA: Okay. Well, that's -- that's one thing we
10 wanna figure out. Um --

11 SPECTOR: This is the most bizarre nonsense, and --
12 and this is absurd.

13 PINEDA: Oh --

14 SPECTOR: This is absolutely absurd.

15 PINEDA: Okay. Well, let me make arrangements --
16 you wanna get a hold of your -- is Robert Shapiro gonna
17 be your attorney --

18 SPECTOR: Yes.

19 PINEDA: -- on record? Okay. Let me see what I
20 can do about that.

21 SPECTOR: How do I get a hold of Robert?

22 PINEDA: Um, you said through Jay; right?

23 SPECTOR: Well, I mean -- I mean if you can get a
24 hold of Robert -- I -- I was told Michelle could get a
25 hold of Robert for me.

1 PINEDA: Okay. Well, Michelle is talking to
2 detectives right now. So let me see what I can do.
3 Okay? I'll be right back.
4 SPECTOR: Okay.
5 PINEDA: Okay. Thank you.
6 SPECTOR: Don't leave me alone too long.
7 PINEDA: Oh, we -- you can see me through the
8 window.
9 SPECTOR: Okay.
10 PINEDA: All right. Take it easy.
11 SPECTOR: This is a terrible -- this is -- I mean I
12 --
13 PINEDA: Okay.
14 UV1: ***.
15 PINEDA: Okay.
16 UV1: ***.
17 PINEDA: *** normally get in the jail? Okay, Mr.
18 Spector --
19 SPECTOR: Yes.
20 PINEDA: -- what was it that you were saying?
21 SPECTOR: You heard what I said.
22 PINEDA: So you don't wanna tell me again?
23 SPECTOR: I already told you what I said.
24 PINEDA: No. I -- you didn't answer my question.
25 Did you wanna speak to Romy Davis because she's called

1 and she said she can get Robert Shapiro for you?

2 SPECTOR: I want him down here. I'm gonna make you
3 fucking people pay for this. This is bullshit.

4 PINEDA: Okay. So you want to put the call
5 through?

6 SPECTOR: This is nonsense. You people have had me
7 here for six fucking hours, maybe nine hours. And you
8 have me locked up like some goddamn fucking turd in some
9 fucking piece of shit. And you treat me -- and then
10 while this person eats and shits and farts. And you
11 have me jerking around. And when somebody comes over to
12 my fucking house who pretends to be security at the
13 House of Blues and comes over to my house -- remember, I
14 own the House of Blues. Where this lady pretended to
15 work, okay? And then just blows her fucking head open
16 in my fucking house and then comes and -- and then --
17 and then you people come around and -- and arrest me and
18 bang the shit out of my fucking ass and beat the shit
19 out of me and then you pretend and arrest me and then
20 pretend like you're fucking Alhambra.

21 And the -- the Mayor of Alhambra wants me to
22 have Bono come and sing at the anniversary of --
23 bullshit. This is nonsense. This is absolute fucking
24 nonsense.

25 I don't know what the fucking lady -- what her

1 problem is, but she wasn't a security at the House of
2 Blues and she's a piece of shit. And I don't know what
3 her fucking problem was, but she certainly had no right
4 to come to my fucking castle, blow her fucking head
5 open, and *** a murder. What the fuck is wrong with you
6 people?

7 PINEDA: Tell you what I'm going to do. I --

8 SPECTOR: What?

9 PINEDA: I said, "Tell you what I'm going to do."

10 I --

11 SPECTOR: Yeah. I'll tell you what I'm gonna do.
12 I'm gonna be fucking -- somebody's gonna pay for the
13 fucking -- I have been locked up for the fucking last
14 twelve fucking hours. And you fucking people come in my
15 house and rummage through my fucking house, and you tie
16 me down like a fucking pig and, you know, while
17 somebody's dying there. And, you know, and -- and --
18 and -- and -- and it scared the shit out of everybody --
19 while somebody commits suicide.

20 PINEDA: Mr. Spector, go ahead and have a seat. I
21 am going to call Ms. Davis back. You can talk to her on
22 this phone when the phone rings.

23 SPECTOR: I just wanna get the fuck outta here.

24 PINEDA: Don't pick up the phone until it rings.
25 Do you understand?

1 SPECTOR: (No audible response.)

2 PINEDA: If you don't wish to answer, that's fine.
3 I'll put the call through.

4 SPECTOR: Charge me with murder. Fuck this.

5 PINEDA: Hand me the phone. Hi, Ms. Davis. This
6 is Detective Pineda with the Alhambra Police Department.
7 Um, Mr. Spector is a little bit agitated with, uh, us
8 being here. And he didn't answer my question as to
9 whether --

10 SPECTOR: [in the background] ***.

11 PINEDA: -- he would accept the call from you. So
12 I thought out of courtesy, since you were gonna be able
13 to get a hold of Mr. Shapiro, that I'm gonna put the
14 call through. I told him he needs to pick up the phone
15 if -- when it rings. So if it just keeps ringing and
16 ringing, it's because he's not picking it up, and you
17 can disconnect the phone and then call us back. Now,
18 hold -- let me put you on hold to figure out exactly
19 what needs to be done.

20 Excuse me. Se's gonna call over there for
21 Mr. Spector. What does -- what does she need to do?
22 Does she actually have to call here?

23 UV1: Uh, to find out what the status of the case
24 is?

25 PINEDA: No, no, no. She's gonna call and speak to

1 Mr. Spector.

2 UV1: Yeah. She can call here. ***.

3 PINEDA: Okay. She's gonna call here directly, and
4 then you're gonna be able --

5 UV1: Mm-hmm.

6 PINEDA: -- to transfer it to the phone?

7 Okay. Ms. Davis, what you need to do is call
8 that phone number I gave you -- 570-5145. Tell 'em
9 you're Ms. Davis, and you'd like the call to go through
10 to Mr. Spector. I'm standing couple feet away from the
11 jailers. So they understand. Okay. You're welcome.
12 Bye-bye.

13 PINEDA: It -- unlock this. Do you need me to
14 transfer ***.

15 UV2: It's gonna ring right now.

16 PINEDA: ***.

17 UV2: ***.

18 UV1: No.

19 PINEDA: Or is it --

20 UV1: ***. Yeah.

21 PINEDA: Is it --

22 UV1: ***.

23 PINEDA: Or is it that?

24 UV1: That.

25 PINEDA: Oh, okay.

1 UV2: Maybe we should switch for better, uh --

2 UV1: ***.

3 [Phone Rings]

4 PINEDA: I think this is Ms. Davis.

5 UV1: ***.

6 [Phone Rings]

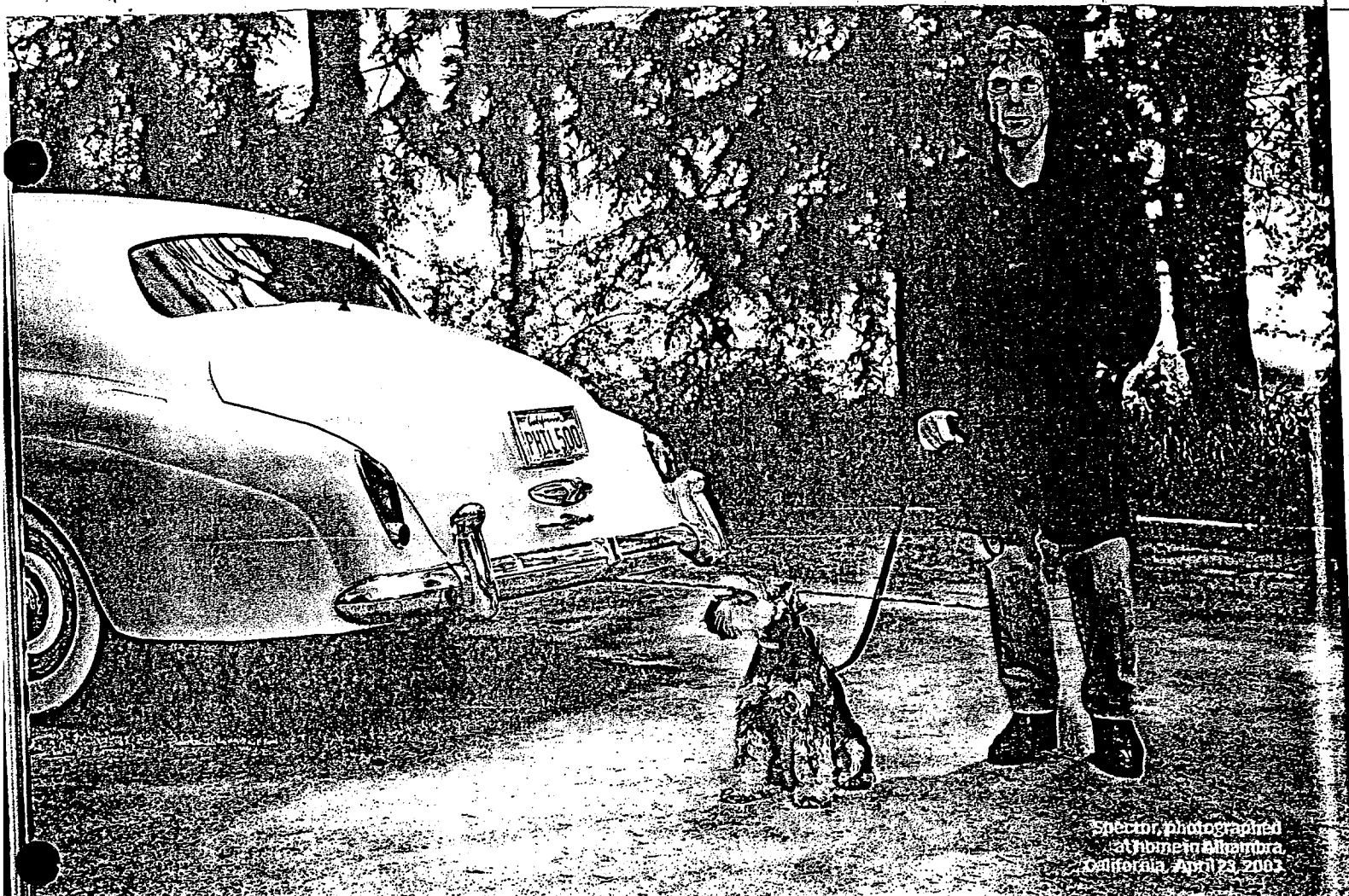
7 PINEDA: Okay, Mr. Spector.

8
9 -- o0o --

EXHIBIT C



002753



Spector, photographed
at home in Altadena,
California, April 23, 2003

The moon's a thin smile on a cloudless spring night in Los Angeles. The chartered Gulfstream, sleek and dark, all bone-white leather, burled walnut, and spotless, mirrored bulkheads, sits alone on the tarmac. We leave at 12:01 A.M.; that's what the e-mail that came this morning said. I know different: This baby goes nowhere until Phil Spector boards.

Captain Bayar, fit, fresh faced, and apple-cheeked, happy as a clam, asks if I think we might have long to wait. He's got the Huck Finn freckled grin and the Billy Budd blue eyes, and the grin doesn't lose luster and the eyes never blink when I say, Oh, yeah, we might be waiting some. He's all right with VIP lolly-gagging: If the client has four grand an hour, young Bayar has the wide-open sky, a topped-off fuel tank, and the whole starry night ahead.

I can handle a wait, too. I've been dogging Spector for years, hoping to write his story. In 1999, he did a brief thing with Esquire via e-mail; after that, we kept in touch—e-mails, his post-Hall of Fame induction parties in New York, visits to his home when I was in L.A. Doing the story always was a long shot—he's nearly as famous for being shy as he is for the mu-

sic he made—but I was thrilled merely to have met and thanked him. Because Phil Spector changed my life before I ever knew his name, blew open my ears and touched my soul. Yours, too.

Rock music pre-Spector was Sun Studio in Memphis, doo-wop's death rattle, and clean-cut Caucasian cats insipidly covering the work of black R&B acts whose "race records" rarely got play on the radio or bought by whites. Chuck Berry was in lockdown in Indiana on a trumped-up charge, Colonel Tom Parker had long since dealt po' Elvis, pecker and soul, to RCA Victor, and the Beatles hadn't yet replaced Pete Best with Ringo.

Then—schooled on jazz and Wagner, all brain, balls, and hustle—came Phillip. Wee fatherless Jewboy outta the Bronx via Fairfax in Los Angeles shook thunder from the heavens. Spector claimed to be creating "little symphonies for the kids": He was.

He set out to make millions and millions of dollars and music that was good and important enough to last forever: He did. And he wanted to find love—true, true love: Ah, well . . . two out of three ain't bad, even for a genius. Not a "mad" genius and not a "misunderstood" genius: genius. Wizard. Artist. Just trust the tale told in mono—back then, a whole world did.

These days, he's history. He's sixty-two years old, and every year more of Phillip's contemporaries expire, and the number of people who know him as Phil *Fucking* Spector dwindles—and every year we ask if he's ready to plunge ahead with an Esquire story, and now, at last . . . ahem . . . now . . .

Aw, shitfire, hoss, now we got us a corpse in the foyer—and not just any old standard-issue dead body, either. Her name was Lana Clarkson, and she was a chronically aspiring buxom blond B-movie actress/model/comedienne/hostess—a type always common in Hollywood and not unknown at the castle. She died of a gunshot to her head, and though she hasn't yet become a corpus delicti—whatever happened, it happened on February 3, and nobody's been charged with any crime at all, not yet—she did wind up dead, which is one heck of a kicker to the Phil Spector story, which wasn't exactly lacking Gothic before that.

It was screaming news for a couple of weeks—even Dominick Dunne, the ghoulish old biddy sucking and spitting out the marrow of the bones of the still-warm dead to make his living, managed to shoehorn it into a piece about Robert Blake—and then it just sort of went away. Spector was released from jail and has been charged with . . . nothing. The L.A. County Sheriff's Department has been investigating ever since, and it won't say when or if any charges will be brought.

Now it's April. I've spent six days in a hotel on Sunset Boulevard, blasting John Lennon's *Plastic Ono Band* and George Harrison's *All Things Must Pass*—both Phil Spector productions—waiting for a word with Phillip, until this morning's e-mail; now young Bayar and his copilot are up in the cockpit running their cross-check, and Roger, our steward, has loaded the deli platters, the fruit trays, and the cheese-cake and is just now brewing our first pot of Starbucks when the airport van pulls up to the steps of the plane and the rest of the party climbs on.

There's Phillip's assistant/mother hen, Michelle, beautiful, flame-haired daughter of Spector's old drummer, Hal Blaine, toting a wee cage; inside sits Helmut, a miniature schnauzer, who was Michelle's until she gave him to Phil. There's Bill Pavelic, in his mid-fifties, a midsized ex-cop, a tough nut, smooth but a little gristly. Ask Bill what he does and he says, "Consultant"; inquire further, he says, "Human demographics." He has a smile; it just takes time to find it. He's paid protection, working investigation and security for big-ticket lawyers and their clients.

Then Phil. Small, halting steps. Jeez, he don't look so good. I mean, he's a slight, pale man anyhow, but he's *always* had that presence that comes with him knowing precisely who he is. He'll dress with gray Edwardian elegance or nightshade carelessness—either way, his threads are dark and expensive—but he seems frail now, lost in his clothes, a tired, ancient elf whose face is seamed with pain. His shoulder-length black hair—too long, too black to be his own—is matted, damp, tangled, as if someone snatched him out of bed, stuck him in the shower to wake him up, then rushed him here. His eyes are slack, a clouded, muddy brown.

I want to take him in my arms and hug him, and so I do. I kiss him on the cheek and, still holding his narrow shoulders, I say, "Phillip, how are you?"

He brightens, grins his wicked grin, his eyebrows raise and waggle, and he cocks his head and looks up at me as if I must be slightly slow.

"Yes, Mrs. Lincoln," he snickers. "Other than that, how was the play?"

Me, I was eleven in 1963, in sixth grade and voiceless love with a girl who wouldn't even go bowling with my fat, shy ass, and each night I'd press my fevered head to the pillow, flick on my pissant transistor radio beneath it, and, sooner or later, the pounding thunder of "Be My Baby" would drown the pulsing in my ears:

Boom! Ba-boom!!

Boom! Ba-boom!!

Like God's horned fist thumping the muscle of my heart, it hurt so good. It hurt so good—to be bathed in perfect yearning for two and a half minutes; to find romance, mysterious and distant in my waking life, so real and near; to feel, if only for those few moments, that love so rich and wide, so deep and high, surely would someday, some way, come to me—even to me—else how could a sound touch me there and ring so powerful and true?

Phil Spector gave all this to me, to us. In two and a half minutes. Hey, you needn't be Schopenhauer or Lester Bangs—only alive enough to hear and to feel—to know that music doesn't show or tell: It simply *is*. It is as close to raw, unmediated human emotion as art can get. Not the lyric—yo, I'm not denying that Ronnie Bennet's *Whoa-oh-oh-oh* was a siren shivering my tenderloin; I can hear her banshee wailing even now—but what pierced me to the core, what stabs me even after forty years, is the wall of sound.

Except, dammit, it is *not* a wall; it's a window. Listen to the echo, to the quiet spaces framing the pumping, massing beat and chords within a translucent tissue of desire—the pure love-burst chamber of a young heart torn and twisted.

Not my heart: Harvey Phillip Spector's, the asthmatic, neb-bishy kid whose papa killed himself when Phil was only eight, who wrote and produced his first number-one song at seventeen, who subverted every aspect of the music biz and invented the *my-way-and-screw-you* rock pose, who coaxed, battered, and willed sheer sonic brilliance from unknowns, Ramones, and half the Beatles, then vanished into myth.

Myth? Vanished? Puh-leeze. I've read everything ever written about the bodyguards and the guns and the insanity, all the campfire tales of the recluse-zombie-maniac-dwarf self-imprisoned behind locked-around-the-clock gates, dragging his chains and howling at the moon—but I've also been to the castle. And I'm here to tell you: He's a very nice man.

Sure, it was spooky enough that first time, because I'd read all of that secondhand crap, and because Phillip likes to spook you some. He sends the limo at ten P.M., the driver says not a word, it's a stormy, wet winter evening in L.A., and a couple of obscure freeways later, when the white gates open and you climb *slowwwwly* up the winding drive, it sho' nuff is a fucking castle atop a fucking hill.

Then the bodyguard steps from the dark holding a big, black umbrella, and he opens your door and says, "Mr. Spector likes his guests to use the front door," which means taking the umbrella and hiking up six, seven, eight wide flights of slick stone steps with trees dripping mist and rain and Spanish moss, and the bodyguard—the son of a bitch got in the limo and rode around to the back entrance—opens the front door, and you step through the foyer, and inside stand a couple of suits of

armor and big paper-thin vases and huge, muted, medieval-looking tapestries, and the brown-skinned maid brings you coffee. And you sit on a plump settee and wait . . .

. . . and wait. And there he is suddenly at the bottom of the big staircase: Phil Fucking Spector. All in black, a careful mess with a crooked smile. Myth, genius, all that, but still just another swinging dick—a wealthy man, growing old alone. A nice man: funny, horny, smart. Sure, he wants to make an impression with the limo and the steps and all that stuff, but here's the deeper impression: He's very shy and lonely. He's tiny, fragile. Timid. Happy to have company.

He doesn't want to be nagged about the old days or written about or photographed—but he also doesn't want to be forgotten. He doesn't want to die friendless. He wants to talk about the Lakers and swap stories about Ike Turner and crack wise and discuss current events. He made it too rich and too famous too young, and he grew more frightened, not less—scared to fly, leery of the music-industry thugs whose toes he stomped to jelly, afraid that he was only a mama's boy, a mayfly, a fluke. And true love turned out to be yet another tug-of-war, but worse than making hit records, because love didn't yield to insomniac obsession or the will to control and perfect each note and nuance.

The next time I visit, I drive myself to the castle and skip the hike up the steps. Phil has a few people over and orders out for pizza—Papa John's. There's a tossed salad in an enormous crystal bowl, and we eat off white banquet platters with gold-plated utensils, and it's a fine time. There's Phil and me and palimony lawyer Marvin Mitchelson and four women. One is Michelle Blaine and the other three, as far as I can tell, are more or less bimbos. Two of them have never been to the castle before, and they ask for a look around.

"No," Phil says.

"It's okay," says one of the bimbos, "we'll just guide ourselves."

"No, you won't," Phil says in a firm, quiet voice that ends that segment of the conversation.

And that's about as weird as the evening gets—not weird at all, really, unless you count Phil's bodyguard, who sits by him-

self on a chair near the door. Although when I later look at the third bimbo's business card—she's a "Host • Reporter • Anchor • TV/Radio"—it's mainly a photo of her holding a martini and reclining on a purple pillow with her little black dress hiked up to her ass and a pair of spike-heeled leopard-skin boots on her upthrust legs. She belongs to SAG and AFTRA, says the card—another ambitious, willing twist, aging fast but still looking to score, chum in a sea of sharks.

On the Gulfstream, Phil tells a joke: Two Japanese businessmen are enjoying a geisha bath when one says to the other, "Akido, I regret having to say this, but I must tell you that your wife is dishonoring you. Worse—she is dishonoring you with a gentleman of the Jewish persuasion."

Akido calmly finishes bathing, and over dinner that night he says, "Honorable wife, I have heard that you are dishonoring me with a man of the Jewish persuasion."

And Akido's wife lowers her eyes and says, "Ah, honorable husband, who tell you that *meshugoss*?"

I laugh, he laughs, and gosh, it's awfully nice up here on the Gulfstream, very rock 'n' roll and yet very *haimish*, at least for a while. The coffee is strong and hot, served by Roger in white china. Phillip trades his Diet Dr. Pepper for Diet Coke. The deli-sliced turkey, peppered and plain, tuna salad, cheeses, and a side platter of olives and pickles and peppers and mayo—is fresh and tasty. There is the perfect cheesecake, fresh fruit, and a lox tray in the fridge in case we feel like another nosh before landing.

Excess, I'll grant you—the smoothest, sweetest cross-country haul money can buy—but there's nothing wretched about it, not at all. A man could grow accustomed to this quick and never, ever wish to go back to first class, much less coach. Much less prison.

Captain Bayar is humming along toward Teterboro, New Jersey, at 550 miles per hour and 44,000 feet, and all is still, nearly silent, save for Spector's hushed, boyish voice. Michelle is napping. Pavelic dropped an Ambien and is



◀ "Of the thousands of photos I've seen of him, two show Spector smiling." Here, one of them, with the Ronettes in 1963. Ronnie is on the right. With the Rolling Stones, above. Spector played on the Stones' "Play with Fire," in 1965.

THE BEST OF PHIL SPECTOR

1. "RIVER DEEP—MOUNTAIN HIGH," Ike & Tina Turner 2. "BE MY BABY," the Ronettes 3. "YOU'VE LOST THAT LOVIN' FEELIN'," the Righteous Brothers 4. "THEN HE KISSED ME," the Crystals 5. "BALLAD OF SIR FRANKIE CRISP (LET IT ROLL)," George Harrison 6. "THE BEST PART OF) BREAKIN' UP," the Ronettes 7. "MOTHER," John Lennon 8. "A FINE,

sprawled on a sofa seat back near the pantry, fast asleep. Helmut's water bottle is hooked upside down to a gizmo on his cage, with a plastic tube running through the wires for him to sip from; he hasn't made a peep since we took off.

Phillip pulls a digital camera out of a small leather case and asks me to shoot his photo. His shirt is a black tunic, untucked, buttoned up to his collarless neck, embroidered with "PS" in gold Gothic script. His black jeans are tucked into buckskin mukluks that rise to midcalf. His hands are small, with soft, tapered fingers. The only jewelry he wears is a silver ring snaking down one finger in a loose letter S. Odd? Nah. Hell, he looks like any withered old rock 'n' roller.

But after I snap the photo—he doesn't try to smile—he takes the camera and switches to a different pair of glasses and squints long and hard at his own face captured in the tiny screen on its back. Long, hard, sinking into some tar pit of gloom—until he rises as if hypnotized and walks slowly away, stopping square in front of the mirrored cockpit door, no more than six inches from it. And there he stands, staring through himself, blank faced, as if he had been planted, had grown from a seed embedded in the gray carpet a hundred years ago.

Then his right hand floats up to pat down a knot of hair and freezes. He's lost, devoid of himself.

The hand drops to his face and slowly strokes his cheek. Once, twice. Stops.

His mouth droops and falls open.

Time grinds to a halt, hanging with us in midair.

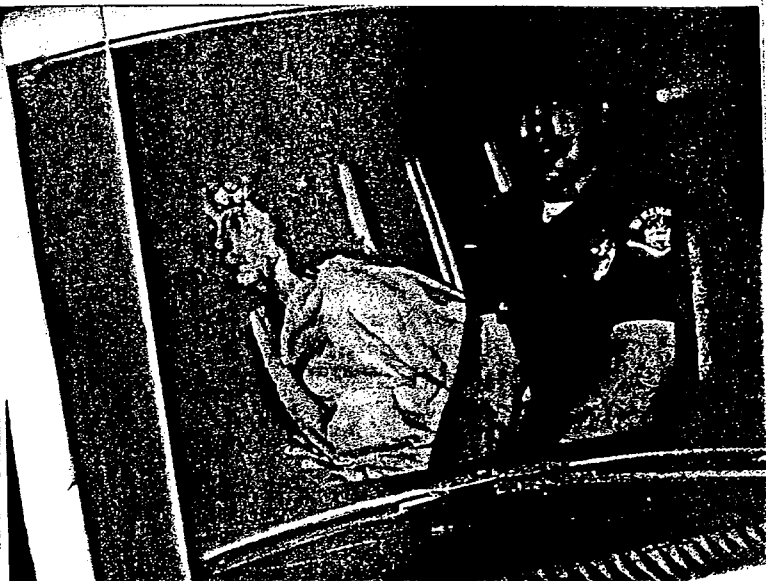
It is the image of a man who . . . ah, fuck it, hoss. There is no man there. It is an image, a shadow, a ghost.

Of the thousands of photos I've seen of him at various stages of his life, two show Spector smiling. One's a publicity shot of Phil and the three Ronettes; leaning way back, nearly off his feet, he's laughing behind bulbous sunglasses, stopped from toppling by three comely, dusky gals with foot-high bouffants. Veronica—Ronnie, soon to be his wife, then ex-wife, then bitter foe in battles over child custody and alleged unpaid royalties—has her right arm hooked around Phil's ribs and her left under his knees. Her look isn't a smile; it's a grimace.

The other shot is unstaged: Spector and his team, his boys, his brothers-in-arms—they called themselves the Wrecking Crew—with Phillip at the center held aloft by Hal Blaine and trumpeter Roy Caton. Phil's wearing dark pants, his striped



• Lana Clarkson, above, died early on February 3. Spector was arrested. The media became aroused. In the four months since, no charges have been filed.



vest is dangling down to his thighs, the neck of his white shirt is open, and what looks like a cigar stump is sticking out of one side of his mouth, which is smiling from ear to basset ear. You can actually see his teeth.

Besides Phillip, twelve guys are visible—they're in the studio; the mike stands are set up behind them—and each of the men has one arm raised high in triumph. Each cocked fist punches the air. Their mouths are opened in a fierce huzzah you can almost hear today.

They have finished something. Something good, maybe great. A Phil Spector studio session could last days at a time; in an era when hit records got made in an afternoon, Spector often took weeks to match the instrumental track to the perfection he heard inside his head—before ever recording a note of the vocal. He fed steaks to the men he worked with, told them not to give up, swore to them that together they were making history. They wore T-shirts with his face emblazoned on the front. Phil was the leader, the general, their quarterback; in this photograph he has just passed for the game-winning touchdown with no time left on the clock, and the team is rejoicing. His buddies are carrying him off the field.

And *that's* the dream that never dies. Long after boy-girl love burns down to everyday ash, a man still looks back to the

FINE BOY," Darlene Love 9. "WALKING IN THE RAIN," the Ronettes 10. "EVERY BREATH I TAKE," Gene Pitney 11. "CHRISTMAS (BABY PLEASE COME HOME)," Darlene Love 12. "MY SWEET LORD," George Harrison 13. "HE'S A REBEL," the Crystals 14. "ROCK 'N' ROLL HIGH SCHOOL," the Ramones 15. "UPTOWN," the Crystals 16. "GOD," John Lennon 17. "JUST ONCE IN MY LIFE," the Righteous Brothers 18. "LET IT BE," the Beatles 19. "HE HIT ME (IT FELT LIKE A KISS)," the Crystals 20. "(TODAY I MET) THE BOY I'M GONNA MARRY," Darlene Love 21. "SOLDIER BABY OF MINE," the Ronettes 22. "ACROSS THE UNIVERSE," the Beatles 23. "UNCHAINED

“wars he fought and the men who stood fast with him, and those feelings—of brotherhood, the glory of toil in a common cause—are what burn forever in his soul.

Beyond his music, Phil Spector never has opened his heart for public display; odds are, he never will. He never has cooperated with a biographer; he sued the last one, in 1989, for \$30 million. (They settled.) He has three ex-wives, four grown children—one of his sons died at age nine, of leukemia—a million jokes and anecdotes, vast wealth, singular talent, a permanent artistic legacy, and nobody to share any of this with. The people he sees now are on his payroll.

In late 1964, with both “Walking in the Rain” and “You’ve Lost That Lovin’ Feelin’” zooming the charts, a not-yet-founding-father-of-New-Journalism Tom Wolfe profiled a twenty-three-year-old Phil Spector for the bygone *New York Herald Tribune*; that article, “The First Tycoon of Teen,” published in ’65, has been Spector’s official media portrait for forty years. When a four-CD retrospective of Spector’s music was released in 1991, Wolfe’s piece ran in the companion booklet, right after Spector’s own dedication—to Ben Spector, his father.

Forty years ago, Spector boasted to Wolfe that he was spending \$600 a week to see a psychiatrist. In an interview with a writer for London’s *Sunday Telegraph*, published just before Lana Clarkson’s death—Phillip had been in London for much of last year, working with a band there called Starsailor—Spector rattled on at length about his medications and his mental illness. After February 3, a sampling of his quotes from that interview—“I have devils inside that fight me” was, hands down, the most popular—became embedded in the coverage of the incident and bounced around the planet.

Grant him his pain, but I don’t think Phil Spector’s devils are all that special, just better-fed. I don’t think half a life spent disconnected behind a gilded wall of silence, without much work and mostly alone, is good for anyone.

After a long time staring into the mirror, he turns away and sits back down in the seat across from mine. His eyes are red and wet. His hands shake.

“It’s ‘Anatomy of a Frame-Up,’” he says, still softly, not much above a purr. “There is no case. They have no case. I didn’t do anything wrong—I didn’t do anything. I called the police myself. I called the police. This is not Bobby Blake. This is not the Menendez brothers. They have no case. If they had a case, I’d be sitting in jail right now.

“She kissed the gun. I have no idea why—I never knew her, never even saw her before that night. I have no idea who she was or what her agenda was. They have the gun—I don’t know where or how she got the gun. She asked me for a ride home. Then she wanted to see the castle. She was loud—she was loud and drunk even before we left the House of Blues. She grabbed a bottle of tequila from the bar to take with her. I was not drunk. I wasn’t drunk at all. There is no case. She killed herself.”

Spector tells me that he was Tasered by the police, that they stripped his day-old Mercedes limo of anything that might contain a molecule of evidence, ransacked the castle, seized his guns and his computers, and ran gunshot-residue tests on him. He’s angry at Marvin Mitchelson for speaking with reporters about

the incident, furious with Robert Shapiro—his attorney for the case and also a close friend—for charging him a huge fee, and mad at Nancy Sinatra, to whom Phillip has referred in the past as his “fiancée,” for failing to stand by him.

“You know what she told me?” he snarls. “She says, ‘My mother told me, *Omigod—Nancy, it could’ve been you.*’”

In early March, Michelle Blaine sent out an e-mail proclaiming that an L. A. radio station would report that the Sheriff’s Department was going to announce that Lana Clarkson’s death was the result of an “accidental suicide,” and that Spector wouldn’t be charged. The Sheriff’s Department responded by saying that the matter was still being investigated as a homicide. Robert Shapiro issued a statement expressing confidence that a thorough investigation would show that his client had committed no crime. Lana Clarkson’s family and agent insist that she would not have killed herself. She was shifting gears, her agent said, hoping to land a sitcom part, trying stand-up comedy, and took the hostess gig at the House of Blues VIP room to make her rent and hook up with some showbiz heavyweights.

And there it sits: Two people alone in the castle at five A.M., and one winds up dead of a gunshot wound. The cops say that they have the gun that fired it. They autopsied the body—Spector tells me that Shapiro hired two forensic pathologists to sit in—and ran their tests. And?

And?

Well, hoss, Lana Clarkson, God rest her soul, is gone, and whatever her agenda, and however sunny her memory, the chance that, after twenty years of swimming after stardom in Los Angeles, she didn’t know exactly what she was up to—and who she was riding with, and why—when she left the House of Blues that night is exactly the same chance she had of becoming Marilyn Monroe: zero. And Phil Spector, who has realized that the presumption of innocence is nothing more than a pretty concept even among friends, is flying to New York City for a few days of what he hopes will be carefree fun. Robert Shapiro will not answer my request for his comments. And Los Angeles County Sheriff’s detective Lieutenant Daniel Rosenberg, heading the investigation, assures me that this case is “not particularly unusual. We’re completing our investigation—waiting for evidence to be analyzed at our lab.

“When we’re done, we’ll be presenting this thing to the district attorney’s office. We’re not rushing anything. This is just one more case. We handle them all the same. We’ll see how it plays out. We don’t wanna taint the jury pool; we’re not gonna try the case in the media. The jury’s gonna be the tryers of the case—if it gets to court. These are all ifs—and if he ends up goin’ to jail, it’ll be very hard on him. It’s important for me that he gets a fair shake in this.”

Lieutenant Rosenberg sounds like a decent man on the phone. Patient. The man with the badge has all the resources your tax dollars can buy, and all the time in the world to bring a homicide charge.

Spector never listens to his hits. He listens to Tony Bennett and Billie Holiday and Frank Sinatra singing Gershwin and Irving Berlin.

“Real American music,” he says, nibbling at his cheesecake.

MELODY: The Righteous Brothers 24. “SANTA CLAUS IS COMING TO TOWN,” The Crystals 25. “BABY, I LOVE YOU,” The Ronettes 26. “BABY I LOVE YOU,” The Ramones 27. “THE LONG AND WINDING ROAD,” The Beatles 28. “IMAGINE,” John Lennon 29. “BLACK PEARL,” Sonny Charles and the Checkmates 30. “TO KNOW HIM IS TO LOVE HIM,” The Teddy Bears 31. “AWAITING ON YOU ALL,” George Harrison 32. “I LOVE HOW YOU LOVE ME,” The Paris Sisters 33. “I’LL NEVER NEED MORE THAN THIS,” Ike & Tina Turner 34. “ZIP-A-DEE-DOO-DAH,” Bob B. Soxx and the Blue Jeans 35. “PRETTY LITTLE ANGEL EYES,” Curtis Lee 36. “INSTANT KARMA,” John

Louis Armstrong?

Spector nods. "He never played a wrong note. He never sang a wrong note. Everything he did was perfect. You know what Dizzy Gillespie said when someone asked him about Louis? 'No Louis, no Diz.'"

He wants to work again. He wants to work with Radiohead. He wanted to do something with Bono, who wanted to do something with Phil and called to talk about writing a song together and made plans to hook up—and then came February 3: Spector never heard from him again. He says that he enjoyed working with Starsailor but ran out of patience.

"You can't spend three months of your life making an album with guys who play pinball and video games all day. These guys are very good, but they're dumb. They're idiots. There are no Rolling Stones anymore. There are no Beatles."

I fish *All Things Must Pass* out of my bag—the two-CD reissue from 2001—and read aloud this sentence from George Harrison's notes: "I still like the songs on the album and believe they can continue to outlive the style in which they were recorded."

Spector laughs. "Jesus fucking Christ," he says. "I gave him a coproducer credit just to get the fuck out of there. The slide guitar on 'My Sweet Lord'—he did ninety fucking versions of it. Then he had to do ninety more with a bottleneck. Then he brought Eric Clapton in to do another ninety."

That was Phil's first comeback: After "River Deep—Mountain High" tanked in 1966—it spent a week on the charts, at number 88—he closed the shutters and hid away for nearly three years. Spector has cowritten and produced hundreds of great songs; "River Deep" is the best, mono dropped from God. Phillip was twenty-five years old; he had the Wrecking Crew, he had Tina Turner, he had a string of top-ten hits that had made him the first brand-name producer in rock history—and still the record died.

"River Deep" was a huge hit in England; in America, it didn't even get played. Payback is a motherfucker, and Spector had made enemies on all sides. Disc jockeys hated him because he never bribed them to get airplay or respected them as music brokers; his B-sides were studio doodles put there to prevent them from flipping his A-sides over. Record distributors, who had shortchanged and extorted record companies for years, found out that doing business with Spector's

Philles label meant paying him every penny due for his last smash if they wanted to get delivery on the next one. He had fought off the musicians' unions, who felt his use of overdubbing took money out of their members' pockets; he had out-hustled the hustlers, outmuscled the mobsters, outjewed the Jews, and outproduced the Brill Building mavens who'd mentored him; and he had crowed about all of it. Loudly.

Spector's self-exile ended in 1970, when the Beatles handed him the mess of tapes they hated nearly as much as they hated one another by then, and Spector shaped the tapes into *Let It Be*. Then George asked Phil to do *All Things*, and John and Yoko began working with him, too. Spector produced and played some piano on *Plastic Ono Band*—still the rawest, most searing and honest rock album ever made, and perhaps the most beautiful—followed by *Imagine*.

The Lennon-Spector collaboration ended badly, in early '74. John was in such awful shape that Yoko threw him out; he went to L. A. to make an album of oldies with Spector. Legend has it that both men were at their worst—Phil and Ronnie were fighting for custody of their kids—and drinking hard. At one session, Phil produced a gun and fired it into the ceiling of the studio. Not long after that, John returned to New York City.

"He was my brother," is all Spector says about those days. "He was my brother and she was his wife, and I was never going to win that war."

He pulls out a small DVD player and cues up *The Awful Truth*, the Cary Grant-Irene Dunne screwball comedy made in 1937. "This is a great movie," Phil says, and we watch it as dawn breaks across the horizon. It's cold and rainy when we land. Phillip, Helmut, Michelle, and Pavelic ride the waiting limo down Route 3 to the Lincoln Tunnel and into the city; I call another car to take me home. Young Captain Bayar, as peppy now as he was six hours and three thousand miles ago, spots me waiting by the door.

"Can I help you with your bags?" he asks.

"Nah, but thanks. And thanks for getting us here. That was some sweet ride."

"Thank you," he grins, waving me off. "I love my job."

Rock 'n' roll was never built to last—not brick by brick and song by song—until Phil Spector came along. Mono wasn't merely his method: It was as [continued on page 122]



• Artists, including Ike and Tina Turner, above, invariably remarked on the intensity of sessions with Spector. George Harrison (left, with Spector and Pete Dinklage of Apple Records) complained after they collaborated on *All Things Must Pass*. Still, no album of Harrison's would match its success. With the Stones' Bill Wyman, above.

Lennon 37. "LITTLE BOY," the Crystals 38. "HE'S SURE THE BOY I LOVE," the Crystals 39. "NOT TOO YOUNG TO GET MARRIED," Bob B. Soxx and the Blue Jeans 40. "HOW DO YOU SLEEP?" John Lennon AND ONE MAN'S TOP TEN ALBUMS: 1. A CHRISTMAS GIFT FOR YOU, VARIOUS ARTISTS 2. PLASTIC ONO BAND, John Lennon 3. ALL THINGS MUST PASS, George Harrison 4. LET IT BE, The Beatles 5. IMAGINE, John Lennon 6. ... PRESENTING THE FABULOUS RONETTES, The Ronettes 7. END OF THE CENTURY, The Ramones 8. THE CONCERT FOR BANGLADESH, VARIOUS ARTISTS 9. DEATH OF A LADIES' MAN, Leonard Cohen 10. BORN TO BE WITH YOU, Dion

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Phil Spector

[continued from page 93] timeless as religion. Spector's commemorative four-CD package came with a little red-and-white button that said it all—BACK TO MONO. Even as he crafted his symphonies, he never tried to refine the roar. Start doing that—separating sounds, parceling the noise, moving notes around, balancing the mix, expanding the number of tracks, gettin' all stereophonic and shit—and you kiss off any prayer of rhapsody.

Yeah, with mono you get some distortion with the soundboard needles pegged at the red zone's far edge. It isn't perfect, you understand—but it is real, as close to perfection in this one sense as you can ever hope for: What hits the ear inside the studio bleeds into that kid's ear pressed upon the pillow the same way you heard the Wrecking Crew play it. And if it's cranked high enough to numb the skull and crack open the sternum for a little heart massage, well, then you've got something special. Something great.

Phil Spector should've come back to New York City a long time ago, should've come back for good. Here it's mono 24/7; we've got your frigging wall of sound, right here. Here, a man can't disintegrate into wispy silence under a blank sky: That's L. A.—no feelings at all, only impressions, the vapors, thin air. It's hell sealed up tight, with a doughnut shop on every corner.

Spector and crew are at the Plaza, heading to Elaine's tonight for dinner. What once was hip is now kitsch, but still—it's the Plaza and it's Elaine's. Spector's resplendent in a gray waistcoat, a black linen shirt with big, round gold buttons, black pants, black boots with big heels and platform soles, shades. His hair is . . . perfect. He's seated at the head of the long table with his daughter and a friend of hers to his immediate left—their anonymity is preserved here—and Paul Shaffer and Richard Belzer on his right. Not A-listers, no—more like the J-list: Jews of middle vintage whose showbiz lives let them hang out and on for eons without having to smile in the middle box on *Hollywood Squares*.

Belzer begs off after dinner; the rest of us pile into a big-ass Navigator stretch and head downtown to a basement club called Fez, where Sue Mingus, Charles's sad-eyed widow, presides from a far table over the ferocious, protean Mingus Big Band. Charles Mingus—as pure a genius as America ever mainly ignored—was reared in L. A., in Watts, but this is the only place on God's earth where you'll hear his works played by the best jazz musicians alive.

No more than three dozen people are in the club, but the band is blazing, trading trumpet solos like left hooks, and Paul Shaffer is shouting “Yeah!” as they swap punches, and Spector is trying to get a fortyish schoolmarm type—don't ask me where he found her—all liquored up. For the Big Band's last number, they slow to a bluesy lope and invite Paul to the piano. He's up there comping, trying to find his way in, and Spector leans over

and says, “He's the world's greatest clone, but he's lost up there. He can't keep up—they'll have to find him some music.”

Paul lands on his feet quickly enough, and Spector smells a rat. “He rehearsed it!” he shouts. “The bastard rehearsed! I'll blow his brains out!”

Pavelic, who hasn't said boo all night, looks thunderstruck. Michelle screams, “Phillip! You can't say those things anymore!” But Phil's having a ball, and after the set, we all go to the upstairs bar, where the crush of toned young flesh is throbbing long past midnight to machine noise. Pavelic clears our path to a banquette, where Phillip occupies the center pillow like a pasha. Schoolmarm has taken her pie-eyed leave; on either side of Spector hunches a wide-thighed tarter, younger, but hardly young—one of whom is braying something about having a million dollars to purchase airtime. Perhaps she is a media buyer, or just drunk.

I'm not sure that the women know who he is, but he looks cute enough, and no doubt he emits a moneyed scent, what with the waistcoat and shoulder-length curl. His voice is not audible in the din, but he looks like he's having hisself some fun.

I can't see Pavelic, Michelle, Spector's daughter, her friend, or Paul Shaffer. Hours, days, weeks seem to drag by. It's too hot and crowded to draw much breath. When Pavelic looms out of the murk and says that the limo is waiting, it's a relief. But not to Phil. When we reach the lobby and push open the door and see that the Navigator *isn't* waiting, he ain't happy.

“What the fuck,” he says. “It's raining. Where the fuck is the fucking car? I'm not standing here in the fucking rain.” And he darts back into the lobby. He's still fuming when the limo comes. He thought he was gonna get laid—and maybe he was. Hell, hoss, maybe he still will. It's only three A.M. in the city that never sleeps.

As soon as we're back in the car heading uptown—Paul, it turns out, was the one who wanted to leave—Spector, sounding wobbly but determined, wants to know who'll go back to the club with him after we drive Paul home.

Not Phil's daughter and her friend, who get dropped off next. Not Pavelic, who's up front next to the driver, behind the glass partition. Not Michelle, who keeps hiccupping and throwing her hand mouthward, as if she might hurl at any moment.

Me? Sorry, hoss, no. This cowboy's still whipped from the all-nighter on Bayar's Gulfstream fewer than forty-eight hours ago. Besides, Michelle's hissing, “Tell him—hic!—that girl is gone. Tell him the place—hic!—is closed. Tell him—urp!—anything. You can't—omigod!—let him go back there.”

I'm asking myself, What would Tom Wolfe do?—because if I can figure that out, I'm doing the opposite—when Phillip announces that he has to take a leak. Unfortunately, it takes a little while to relay this information to the Navigator's cockpit.

“Can we go down a side street for a minute?”

002760

Who's the Man
And who's the
woman? And the
writer? The come-
dian? The
businessperson?
What's the TV
show? The peanut
butter? The car-
toon character?
The sandwich?
of the Past 70
Years?

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Phil Spector

No, no, no—just go straight ahead. Jesus fucking Christ. Just tell the guy to find a side street. What seems to be the problem? My goodness gracious. My goodness.”

The driver pulls over at the curb in front of a diner, and Pavelic escorts Phillip inside. They're back in a couple of minutes—and now Phil is ready to head back to the club, alone if need be. But the next time we stop, we're somehow at the Plaza's side entrance.

“What are we here for?” Spector asks. “We're at the wrong place. Why are we home?”

Some skinny kid pulls open the back door of the limo and starts babbling in heavily accented English. He's French. Or Italian. Or a Turk. Who the fuck knows? “We take ze cah,” he says. Phil shrinks back into his seat. Pavelic finally gets to the back door, clears the kid away with a sweep of his arm, and holds the door, waiting for Spector to dismount.

“Why are we here?” Phil asks, his voice rising in petulant command.

Pavelic mumbles something I can't hear.

“I don't care who said that,” Phil tells him. “I make the decisions.”

Pavelic says, “I was gonna—”

“I don't care what you were gonna do. I make the decisions.”

“Michelle,” Pavelic says. “Let's do it.” Then, to Spector, “She needs to go to the bathroom.”

“That's not why we're at the Plaza,” Phillip's yelling. “I went to the bathroom. She could've gone to the bathroom then. Tell me—not, ‘We're at the hotel, get out’ and some fucking prick comes and opens my door. What the hell was that all about?”

Michelle gets out of the limo. Pavelic closes the door. Spector turns to me. He isn't drunk. He isn't yelling. He's upset, angry, and embarrassed at being tricked and treated like a child.

“Jesus fucking Christ. What the hell is wrong with these fuckin' people? I have no control over my life.”

All his life, Spector fought for control: of his image and his privacy, of his power to shape popular music, of the publishing rights to his songs, of the sounds and ideas raging inside his heart and head—fought and won. His fate dangles in other hands now—the law, his lawyer, the press, the jury—and nobody's got him covered. No one has Phil's back.

I say, Phillip, look, I think they're trying to help you. Maybe they're being overprotective, I say.

“No,” he says. “This is not ‘overprotective’—this is stupidity. What is wrong with me? I am in control. This is what Robert Shapiro charged me seven figures about. *Bullshit!* I was never involved in a murder—and he should've said to me, ‘Mr. Spector, I am your friend, I am your confidant, but lemme tell you something: You didn't commit a homicide, and I'm outta here now. Get Gerry Spence to come in and kick ass—because I gotta go schmooze with the sheriffs, because Nick Nolte may kill his wife tomorrow, and I gotta make deals with them. I gotta say to them, Remember what I did

with you on the Spector case.’

“I wasn't drunk—I remember exactly what happened. But when you're Tasered and beaten up and lied to and crapped on, you don't know what the fuck happened. When Robert came in, as a courtesy, as a favor, he shoulda gotten me outta jail. As a courtesy—not for seven figures. As a courtesy. I've taken him for three hundred thousand dollars' worth of gifts and rides and plane trips. I wasn't a referral—I was his best friend. Nancy Sinatra, Marvin Mitchelson—they all proved to be fucking wastes of time. Bill Pavelic, my chief investigator—look what he's doing tonight. He's tired, so my evening's over. And then you suddenly get angry—so you're drunk.”

It's getting close to four A.M., and Phil Spector is wide awake. I say, Phillip, you know what? Maybe it's just hard to keep pace with an old rock 'n' roll soldier like you.

He smiles, calmed by memory. “It's 1989,” he says, “and Jack Nicholson and myself go to the Rolling Stones concert at the Coliseum. First we go to the Four Seasons, and we're sitting in Keith Richards's suite. At the fucking time he had two little blond girls, three and four. And the three-year-old flushes down her teddy bear. Down the toilet. And it gets stuck. And the toilet won't flush, and the teddy bear won't come out.

“The mother's a beautiful blond model and the mother's panicking. And the little girl is crying hysterically. And fucking Keith don't give a shit. And Jack's saying, ‘Man, what are we gonna do?’ I said, ‘I don't know what the fuck to do—get her another teddy bear.’

“They can't get the teddy bear up and the toilet won't go down. The little girl won't stop crying. So they call the plumber—and he can't get the fucking teddy bear up. So he takes the toilet out.

“Water everywhere. Shit everywhere. Shit *everywhere*. Gets the teddy bear, but the bathroom looks like hell. The place is ruined—and the Rolling Stones have to go now. It's showtime. And Jack says, ‘Well, I guess we'll see you over there.’ Because they go in the van.

“So then the chief of security comes up, knocks on the door, says, ‘Hello—I'm chief of security. Everything's under control. I'm gonna look around the place.’ And he goes in there, and he looks at it, and he says, ‘Goddamn Rolling Stones—fifty years old and they're still fuckin' up suites. Goddamn bullshit—damn! Damn!’ He's talkin' to himself as he's goin' out of the goddamn place. And Jack looks at me and says, ‘Well-l-l-l, whaddaya gonna do?’”

The old rooster cackles with glee. Pavelic and Michelle are back in the limo, and we head back downtown. Phil's on the cell, chatting up the soused schoolmarm. Asking for an address. The night is young yet. Dawn may never come.

The Navigator pulls up to the parking garage where I've left my car. “How are you on cash?” he asks.

I'm fine, Phillip. Thank you.

“Good night, buddy,” he says. ■

EXHIBIT D

Subject: All misspellings, typos, incorrect conclusions and grammar are Mr. Spector's own

Date: Fri, 1 Oct 2004 00:02:54 EDT

From: NYCRhonda@aol.com

To: Twangler2@aol.com

I couldn't possibly write [sic] after each and every one of the errors, so feel free to do any editing your own way...

Subject: Fw: From Phil Spector

In a message dated 9/28/04 5:27:46 PM,

Although the words I spoke outside the court steps monday morning, yesterday, 9/27/04, were basically, spontaneous, and impromptu, they were taped, and transcribed, and someone sent them to me. I offer them to you, (in their entirety,) as parts of them were used in various forms of the media. This appears to be what I said in its entirety.

The actions of the Hitler like District Attorney, Steve Cooley, and his Stormtrooping henchmen, to seek an indictment against me, and censor all means of getting my evidence and the truth out, are reprehensible, unconscionable, and despicable. They have conspired to deny me my California Constitutional right to a Preliminary Hearing. Even though I pay my City, and State, taxes here, Property taxes here, Vote here, and Reside here; and have done so for the last some fifty odd years. It should also be noted that the state of Colorado granted a Preliminary Hearing to Kobe Bryant, who is not a citizen of that State, does not live there, does not vote there, and does not pay taxes there, yet I am denied one in the state I live and do all those things, and am Constitutionally entitled to one.

It should also be duly noted, that Kobe Bryant's preliminary hearing, that he had in Colorado, was, as you all know, the only way he, and his Attorneys, could get his evidence, and the truth out to the public, and the media, which eventually proved his innocence, and resulted in his freedom. The district attorney of Los Angeles is denying me that right, to one of their own citizens, which the state of Colorado granted Mr. Bryant, a non citizen. Does this district attorney have something to hide and fear? I think so. That being, the inevitable results that the public and a Judge will, after a preliminary hearing is held, see that no crime was committed at my home on february 3rd 2003, and the public will find that out as well, and that this district attorney is pursing a personal vendetta, without evidence. If not, why will he not let me have a preliminary hearing guaranteed me under the California Constitution?

Instead he secretly, as fascists would, went to a secret grand jury, to seek, and get an indictment. Why? Is any one about to flee the jurisdiction? The only one, involved in this case, I know, who is seeking to flee the jurisdiction, is the district attorney himself, who longs to get on an airplane to sacramento to become the attorney general of california. To get an indictment in lieu of a preliminary hearing was done to deny the public and the judge the right to hear the evidence, and deny me my california constitutional right, and because they are afraid that the truth will come out in such a hearing.

And by not having a Preliminary Hearing, It also prevents from testifying, three of the most respected forensic scientists, pathologists and coroners in the world, Dr. Henry Lee, Dr. Michael Baden, and Dr. Cyril Wecht, who have all thoroughly examined and reviewed the autopsy report of the deceased, and concluded, beyond a reasonable doubt, that the deceased's wounds were consistent with that of a self inflicted wound, and that these three eminent coroners would not have ruled it a homicide. Why does the district attorney not want that evidence brought forth to a Judge and to the public? And why does he not want the judge and the public to know that the deceased was legally intoxicated on the drug, vicodan and alcohol at the time she took her own life. And, that her D&A was found on the gun, not mine; and that my fingerprints were not on the gun; and that Dr. Henry Lee found no "crime scene" in my home on the morning of february 3rd 2003, and that the gun the deceased used to kill herself was not owned by me, nor registered to me. Ask yourself why, and you'll see why I am not getting a preliminary hearing. I urge a fellow artist, Governor Shwarzenegger, to step in, and grant me my California Constitutional rights, and stop this miscarriage of justice, and obstruction of justice, and give me back my Preliminary Hearing, so I, and my attorney, mr. Bruce Cutler, can put an end to to this travesty of justice, once and for all, and I can get on with my life.

Thank you for your time and patience, and I would appreciate if you'd print and air as much of this as possible as this is my only means of getting my word out to the public now that my preliminary hearing has been censored, and banned.

EXHIBIT D

002834

10/1/2004 11:43

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