

Spector lawyer picks at coroner's homicide conclusion

by Matt Krasnowski

LOS ANGELES - While sticking by his conclusion that Lana Clarkson's death was a homicide, a coroner testified in the Phil Spector murder trial on Wednesday that based on medical findings he cannot tell whether the actress was holding the gun that killed her.

In Dr. Louis Pena's second day on the witness stand, defense lawyer Christopher Plourd tried to pick away at the credibility of the coroner's homicide conclusion, which the coroner said he reached after accumulating information beyond Clarkson's autopsy. Pena's finding undercuts Spector's defense contention that she shot herself.

"Let's get very basic," Spector lawyer Christopher Plourd said. "You can't tell who was holding the gun?"

"That's correct," Pena said.

"From the medical findings, you can't tell whether Lana Clarkson was or was not holding the gun." the San Diego-based lawyer continued.

"Correct," Pena replied.

"From the trajectory of the bullet, is there anything inconsistent with her holding the gun?" Plourd asked.

"Given that scenario, it's not," Pena said.

The exchange was part of an exceedingly polite but exhaustive cross-examination that took the entire court day and will continue Thursday.

In his testimony Tuesday, Pena said he considered factors such as Clarkson's medical history, information from detectives, an alleged incriminating statement by Spector, as well as medical evidence in reaching his conclusion. He also testified that Clarkson had bruises on her right arm that could indicate she was involved in a struggle and that a bruise on her tongue could have been caused by someone jamming a gun in her mouth.

Prosecutors contend that a drunken Spector, 67, shot Clarkson in the mouth as she was trying to leave his suburban mansion. Earlier in the trial jurors heard from four women who said the acclaimed record producer menaced them with a firearm as they tried to leave him. He faces 15 years to life in prison if convicted of second-degree murder.

On Wednesday, Plourd at times tried to portray Pena as less accomplished than some defense expert witnesses who have authored reference books used by medical examiners globally.

The lawyer questioned Pena about a statement in Clarkson's autopsy report in which the coroner wrote: "Based on the history, circumstances, law enforcement police reports and autopsy, as currently known, the manner of death is homicide."

"Has your opinion changed since the day you authored that?" Plourd asked.

"No." Pena replied.

"As currently known,' is that correct?"

"Yes."

Earlier in the day, Pena acknowledged some missteps in the maintenance of evidence in the case, including an incident in which a forensic dentist - called an odontologist - lost a tooth chip collected at the crime scene. Some of Clarkson's teeth shattered when she was shot.

"What happened is on review. In meeting with the odontologist he admitted he broke one of the vials and the tooth fragment was lost. It flew around the room somewhere," Pena said.

The witness also acknowledged that when Clarkson's body was moved, blood that pooled in her mouth came out and soaked some of her clothing. The defense contends the blood possibly obscured evidence that could help prove Spector's innocence.

