

Los Angeles Tribune

Tuesday, July 23, 2002

Defense Decries Detective's "Speculation" In Painseeker Trial

BY DANNY O'ROURKE
STAFF WRITER

LOS ANGELES -- On Monday in Los Angeles Superior Court, Painseeker Murder Trial defense attorney Les Levin challenged the conclusions of the police which led to the first-degree murder charges against Laura Douglass and Sharon Wolfe.

Douglass and Wolfe are accused of murdering rising music star Raychel Wagner over her affair with Ken Kincaid, Douglass' lover as well as the CEO of the music label Wagner was signed to.

The first week of the trial concluded without giving the defense the opportunity to cross-examine the first witness for the prosecution, Detective Kevin Wakefield. While Levin was accused of stalling the trial in order to prevent the prosecution from presenting the opening of their case, his efforts backfired and his request to extend the Friday session to allow him to cross-examine Wakefield was denied by Judge Michael Rodriguez.

In an effort to overcome the setback, Levin carefully drove Detective Wakefield back through his testimony on Friday. Levin seemed to fight his own impulse to challenge Wakefield's testimony. Upon the conclusion of his recap, Levin asked Wakefield if he still felt that his investigation was "professional and thorough" as he claimed on Friday. When he answered yes, Levin finally began to attack Wakefield for limiting his conclusions to only one possible outcome.

Among Levin's numerous arguments was that Wakefield had not considered the possibility that

the damage in the living room was a result of a confrontation between Wagner and Kyle McAllister, who shared the apartment with her. Wakefield said that it was unlikely due to evidence that was beyond his expertise; however, Levin did get Wakefield to acknowledge that neighbors indicated that they were aware of two separate outbursts that night.

Levin also challenged what is believed to be the fundamental reason for the charges against Douglass: that she lied to police about being at the apartment complex during the exact time of the murder. While Levin allowed that lying to the police was counterproductive to the investigation, he claimed that it did not in itself provide grounds for murder charges.

To further his cause, Levin attacked Wakefield on the inability of the police to recover the alleged murder weapon: a broken bottle of tequila. Levin argued that the lack of a murder weapon with fingerprints was "convenient for the police" as it allowed them to charge anyone for the crime. Levin also furthered that, if the prevailing police theory that Douglass remained in the kitchen with the broken bottle was to be believed, that recovering the bottle was the only way to confirm or deny Douglass presence in the apartment.

Levin also attacked Wakefield for conveniently overlooking the significance of Wagner being alone in the apartment when the alleged murderers arrived. Levin reminded Wakefield that Sharon Wolfe was under the impression that Wagner was to have been in the company of Kyle McAllister at the time of their alleged attack. In perhaps the most important segment of the day, Wakefield suggested that it was

possible that McAllister also could have been a target of the attack.

Levin immediately asked Wakefield if that possibility had ever crossed his mind, and if that possibility significantly altered his "expert" theory. Before Wakefield could respond, Levin asked him what aspects of his theory about the murder, beyond his client's lie, could be proven. Wakefield evaded the question by saying that his expertise in this trial was the theory itself and the investigation process. When Levin laughed at the response, a few of the jurors had joined in with him. Sensing he had won back his esteem with at least a few of the jurors, Levin ended his cross examination.

The prosecution did not seek to re-direct Wakefield, a sign which either meant they did

not feel he had made inroads with the jury or that he had already communicated what they had needed. When asked to comment on Levin's performance, Assistant District Attorney Thomas Andrews remarked, "It's always a shotgun defense from him. We expected that. It gives him the opportunity to tear down ideas and testimony without suggesting anything of his own."

A beaming Levin chastised the prosecution, "It was a mistake for them to begin by pitching a theory without proof. Of course, the problem for them is they don't have proof because Laura is innocent. I couldn't be more pleased by them at this point, and I'm looking forward to having the charges dismissed as soon as possible."

Unless Levin gets his way, the prosecution is expected to call their next witness on Tuesday.