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## Painseeker Defense Attorney Charges "Rush To Judgment"

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LOS ANGELES – The defense in the Painseeker Murder Trial unexpectedly rested on Thursday after calling the last person who saw Raychel Wagner alive. Defense attorney Les Levin used the testimony of witness Sergei Brosovsky as proof that, despite waiting 17 months to charge Laura Douglass and Sharon Wolfe with first-degree murder, the LAPD and the District Attorney's office engaged in "a rush to judgment."

Brosovsky, a Ukrainian immigrant who met Raychel Wagner while the two worked at the same music studio, seemed at times to have great difficulty understanding Levin's questions. Several times, Levin had to simplify his detailed questions in the face of the baffled Brosovsky.

Regardless of the language barrier, Brosovsky's testimony held the jury's interest, as he confessed that he was the last person to see Wagner alive. He admitted to meeting Wagner at her apartment at 8:15 p.m. following an argument at Terror Trax music studio between her and Geoffrey MacIntyre, an executive at Terror Trax. Brosovsky said he felt responsible for the argument and came to the apartment to apologize to Wagner. He confirmed that Wagner was alone, since her lover, Kyle McAllister, was leaving the parking lot as Brosovsky was arriving.

Brosovsky stated that he left Wagner's apartment at 10:00 p.m. and that was the last time he saw her alive. It is the last time that anyone admits to seeing her alive.

When asked if he spoke with police following Wagner's murder, he said that he had not spoken with them until over a year after the murder.

However, on cross examination, Brosovsky admitted that he had not come forward voluntarily because he was afraid of being suspected because he is an immigrant. He also stated that Ken Kincaid had advised him not to tell anyone, since no one would otherwise consider him a suspect. Andrews asked Brosovsky if he considered himself a liar because of his refusal to come forward following the murder. He stated that he did not consider himself a liar because he admitted to his whereabouts on the night of the murder when asked about it on the Painseeker web site. Andrews concluded by saying that he believed Brosovsky to be a liar.

Levin briefly re-directed Brosovsky regarding his being a liar. Levin asked if he was aware of the reason that Laura Douglass was charged with murder. He stated that it was because of her lying about what she did on the night of Wagner's murder. Levin asked Brosovsky if he was surprised that he was not the one charged with murder, since he and Laura Douglass and Sharon Wolfe all lied about their whereabouts on the night of the murder. When Brosovsky admitted he did not understand the question, Levin clarified himself, "Since you are guilty of the same thing that Ms. Douglass and Ms. Wolfe are, why aren't you on trial for murder?" When Brosovsky denied murdering Wagner, Levin stated that Douglass and Wolfe were both innocent as well. Brosovsky said that they should not have been charged either, then.

Levin asked Brosovsky, "Then didn't the police and the District Attorney's office act too quickly by charging my clients if they are as guilty as you are?" Brosovsky agreed, saying that he believed they were charged because of the Painseeker web site and the attention it created on Wagner's murder. Levin smiled and let the statement hang in the air before stating that he had no further questions.

Levin's use of a "rush to judgment" defense in the same Los Angeles Superior Court that heard the O.J. Simpson case aggravated Assistant District Attorney Thomas Andrews to the point of distraction for the second day in a row.

On the steps of the courthouse, Levin differentiated the application of the "rush to judgment" defense between the Simpson defense and his variation.

"In the Simpson case, the defense was that the police acted too quickly in the prosecution of their case from the start. They intended from the beginning to charge Simpson. However, we assert that the police had no intention of finding a suspect in the first place. It was not until the Painseeker web site created an Internet buzz that the police felt pressure to find someone -- anyone -- that they felt could possibly be responsible. We believe that the prosecution is trying to close this case out without regard for the truth. Their refusal to consider alternate possibilities such as Mr. Brosovsky is a symptom of that disregard for the truth."

Levin had walked away before catching himself and returning to state, "That is not to say that I believe Mr. Brosovsky is in any way responsible for the murder of Raychel Wagner. I only used him as a comparative example."