

Closing arguments given in Fayed trial

By Marjorie Hernandez

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LOS ANGELES — Prosecutors said Camarillo businessman James Fayed made a life-defining choice that destroyed his family when he orchestrated the murder of his wife, Pamela, almost three years ago.

Driven by greed and fear of losing his multimillion-dollar online gold trading company, prosecutors said the 48-year old businessman not only commissioned others to murder Pamela Fayed, but also planned to "tie up loose ends" by placing a hit on those who allegedly killed his estranged wife.

"James Fayed made this choice very clearly," Los Angeles Deputy District Attorney Alan Jackson told jurors Monday. "What he decided to do was hire a hit man to stalk and attack and prey on his wife, and he ultimately paid this person to slit her throat and in so choosing, he left a family sisterless ... and left two beautiful daughters motherless.

"His was one of the greatest betrayal to commit — a betrayal of love, parenthood ... trust. Much more than that, it was a betrayal in the fabric of humanity."

Jurors listened to prosecutors and defense attorneys present their final arguments Monday at the Los Angeles Superior Court where James Fayed is on trial facing murder and conspiracy charges in the stabbing death of his wife. He has pleaded not guilty and denied the special allegations that the murder was committed for financial gain and lying in wait. The special allegations allow for the death penalty.

In his closing argument, defense attorney Mark Werksman said James Fayed never confessed to his wife's murder that took place after she walked to her car on the third floor at the Watt Tower parking garage in Century City on July 28, 2008.

It was another family member, Fayed's sister Mary Mercedes, who had the motive and opportunity to commission others to kill 44-year old Pamela Fayed, Werksman said.

"The prosecutors represent the state, and their objective was to seek a conviction," Werksman said. "They are the hammer, and every man is a nail. They tried to lay out a compelling case against my client, but if you peel back a layer or two, you will see things are not as they seem. They presented some crème to you that turned out to be

skim milk."

Prosecutors said James Fayed paid his employee Jose Luis Moya, 50, about \$25,000 to arrange Pamela Fayed's murder. Prosecutors said Moya recruited Gabriel Marquez, 46, of Ventura, who then commissioned 22-year old Steven Vicente Simmons, who stabbed and slashed Pamela 13 times.

The couple owned a lucrative online gold trading company called Goldfinger Coin & Bullion Inc., based in Camarillo, and other interrelated businesses dealing with bullion wholesaling and money transfers.

Jackson said the murder was a "textbook ambush" that was carried out for James Fayed's financial gain. He said James Fayed stood to lose half of their marital assets.

Federal agents arrested James Fayed in Aug. 1, 2008, on an accusation of operating his business without a license. The U.S. District Court case was dismissed not long after James Fayed and Moya were arrested in connection with Pamela Fayed's killing.

Prosecutors said James Fayed became furious when Pamela Fayed decided to take out about \$800,000 to buy a license for their business. They said he also knew of his wife's intentions to cooperate with a federal investigation against her husband.

"Pamela wasn't happy and decided to do something on her own that created the motive — his motive to kill her," Jackson said.

Werksman said James Fayed never knew about the federal investigation of his business. Werksman said prosecutors provided a slanted presentation, including placing Assistant U.S. Attorney Mark Aveis on the stand to testify about James Fayed's federal indictment.

"Mark Aveis sat there ... and tried to lead you with the impression ... that the reason that (Pamela Fayed) didn't cooperate was because she was murdered," Werksman said. "You can't be swayed by that type of evidence."

Prosecutors and defense attorneys also played snippets of a three-hour conversation between James Fayed and his former cellmate at the Los Angeles Metropolitan Detention Center, convicted felon Shawn Smith.

Prosecutors said Smith wore a hidden microphone on Sept. 10, 2008, and was able to tape James Fayed soliciting Smith to hire someone else to kill Moya. In the recording, a man alleged to be Fayed told Smith he had paid Moya to kill Pamela Fayed.

Werksman said Fayed actually denied any knowledge of the conspiracy to murder Pamela Fayed.

"The tape is a perversion," Werksman said. "This man is no good. Shawn Smith leads

and cons and directs James Fayed ... and (Fayed) wasn't necessarily buying it.

"He was confused, lost ... and here comes Shawn Smith to the rescue. Can you imagine sitting in an 8- by 12-foot cell, in that disgusting environment, and (Smith) tried to lay out a confession ... and (James Fayed's) only response was, 'Huh?' "

Deputy District Attorney Eric Harmon said Werksman's portrayal of James Fayed as a man who fed off of Smith's "machismo" was inaccurate.

Harmon said Fayed even drew a map to his sprawling 200-acre estate in Moorpark so the fictional hit man would know where Moya lived, which was in a small house on the property.

"This isn't machismo ... this is a purpose-driven killer," Harmon said of James Fayed.

Jackson also provided the chronology of cellphone calls and text messages between James Fayed and Moya on the day of Pamela Fayed's murder. Werksman said although phone records showed correspondences between the two men, investigators who retrieved Fayed's phone never found any incriminating messages on the cell phone.

In the end of his closing statement, Jackson asked jurors to sit in silence for one minute and imagine the three to four minutes of excruciating pain Pamela Fayed felt as she sat on the cold, dirty parking garage and took her last breath.

Jackson then played a snippet of the taped conversation between Smith and James Fayed, who allegedly said he would commit the crime again if given the chance.

"And with that, James Fayed had his defining moment ... and showed who he really is," Jackson said.



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