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DA Can't Prosecute Ex-Fugitive After Giving Details to Hollywood

By Robert Iafolla, Daily Journal Staff Writer

An appeals court last week removed a lead prosecutor from a death penalty trial in Santa Barbara County because of his actions while consulting on a movie based on the case.

The prosecutor, Ronald J. Zonen, shared his confidential files with the producers of "Alpha Dog," a fictionalized account of the real-life manhunt for the killers of West Hills teen Nicholas Markowitz.

"[Zonen's] actions allowed 'show business' to cast an unseemly shadow over this case," wrote presiding Judge Arthur Gilbert in a concurring opinion. "The prosecution of criminal cases and entertainment enterprises are best kept separate."

The ruling is consistent with the tug of war between free speech and the right to a fair trial that has been ongoing for the past 20 years, said Adam Winkler, a professor at UCLA School of Law specializing in legal ethics.

In a separate ruling on the same day, the Court of Appeal removed a Santa Barbara County prosecutor because she wrote a novel with striking similarity to a crime she was prosecuting.

In the Zonen matter, the appeals court denied the defense's request to remove the entire Santa Barbara County district attorney's office from the case.

Attorney James E. Blatt, who is representing defendant Jesse James Hollywood, said he is considering whether to petition for a rehearing or to take the matter to the California Supreme Court in an effort to remove the district attorney's office.

He also said he will try to stop the release of the movie, which has been screened at the Sundance Film Festival. "This issue is not over," Blatt said.

A representative from the Santa Barbara County district attorney's office declined to comment, citing policy against talking about an ongoing case.

Hollywood is accused of master-minding the 2000 kidnapping and murder of Markowitz to avenge a drug debt the teen's half-brother owed him. Hollywood was apprehended in Brazil after five years on the lam.

Four of Hollywood's alleged cohorts have been tried and convicted, with one receiving the death penalty. Hollywood faces the death penalty if convicted.

Zonen said that he didn't ask for payment for his assistance on "Alpha Dog," but that the film

would be the last opportunity to get the sort of widespread public attention to aid in the capture of Hollywood, according to court documents.

“To say that Zonen went too far in his attempt to apprehend [Hollywood] is an understatement,” the court wrote.

The court found that Zonen gave his entire case file to filmmaker Nick Cassavetes, including audiotapes, videotapes, unredacted police reports and psychiatric reports.

Zonen said in the court documents that he was told that the film “would be a realistic recounting of the crime, with the real names and accurate facts, to be shown nationally and internationally.”

Hollywood’s name in the movie is “Johnny Truelove.”

Truelove is played by Emile Hirsch, star of “The Lords of Dogtown” and “The Dangerous Lives of Altar Boys.” The film also features Bruce Willis, Sharon Stone and Justin Timberlake.

A caption at the end of the movie states that Truelove “was finally arrested in Paraguay after five years as a fugitive and is waiting for trial in California,” according to court documents.