

Los Angeles Daily Journal - March 7, 2006

## **Former Justice Blasts DA Over Hollywood Case**

### **Ex-Justice Blasts DA's Handling of Case**

By Leslie Simmons - Daily Journal Staff Writer

LOS ANGELES - Former state Supreme Court Justice Armand Arabian thinks it stinks that the Santa Barbara County district attorney's office is continuing to prosecute a celebrated murder case.

The district attorney should have voluntarily relinquished Jesse James Hollywood's case to the attorney general after the lead prosecutor cooperated with producers for a big-budget Hollywood movie about the murder, Arabian believes.

"On the Supreme Court, we used to have an expression that something or another didn't pass the smell test," Arabian said Monday. "This isn't even an aroma, it's that bad."

Hollywood is accused of masterminding the kidnap and murder of 15-year-old Nicholas Markowitz in 2000 to avenge a drug debt the teen's half-brother owed him.

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

On Friday, Arabian joined Hollywood's defense team in petitioning Arabian's former Supreme Court colleagues to remove prosecutor Ronald Zonen and the entire district attorney's office from the case. *Hollywood v. Santa Barbara Superior Court*, S141606.

Arabian said Hollywood's attorney, James E. Blatt, asked him to take a look at evidence of Zonen's involvement with the producers of the movie "Alpha Dog."

"I lost sleep that night thinking of the scenario and I don't usually lose sleep," Arabian said. "That's how hard it struck me."

But Blatt has so far been unsuccessful in convincing a judge that Zonen committed wrongdoing. Both the trial court and the appellate courts have rejected his attempts to remove the prosecutor from the case.

Zonen predicted his office would be just as successful with the state's high court.

"It is a 100 percent likelihood that they will reject the petition," Zonen said Monday.

"Alpha Dog" stars Bruce Willis and Sharon Stone. Emile Hirsh plays the character "Johnny Truelove" based on Hollywood. The movie also features Justin Timberlake in his big-screen

debut.

According to the petition, Zonen gave producers Nick Cassavetes and Michael Mehas unprecedented access to the evidence, including criminal records, probation reports, and pictures of Markowitz's body and autopsy.

Zonen and a Sheriff's Department official gave the producers a tour of the hillside murder site where Markowitz, bound with duct tape, was shot dead and buried in a shallow grave later discovered by hikers, according to court papers.

The producers videotaped the visit. Blatt has reviewed the video and claims in court papers that Zonen reenacted the murder for the producers.

In the district attorney's court papers, Zonen contends he "simply pointed to the grave site."

The prosecutor's relationship with the producers developed while Hollywood was on the lam for five years. The 26-year-old was the youngest fugitive on the FBI's "Most Wanted List" until his capture in Brazil a year ago.

In court papers, the producers said Zonen agreed to assist them with the screenplay and at times consulted with them about specifics of the murder.

Zonen was "enthusiastic" about the project, said the case was his "legacy" and planned to write a book about it, according to papers filed by Blatt.

Zonen said he hoped the film would lead to the capture of Hollywood. He said he asked only that Hollywood's picture be shown at the end of the movie along with a telephone number for people to call to report his whereabouts.

Arabian believes Zonen's conduct is enough to remove the prosecutor and the district attorney's office from the case.

"My hope would be to set forth in an opinion, what is tolerable and what is not tolerable," he said.

Arabian, 71, was an associate justice for the high court from 1990 to 1996. This is not the first time the former justice has lent his expertise to a case since his retirement.

When Los Angeles attorney Peter C. Sheridan was jailed on four felony counts for conspiring to obstruct justice, Arabian successfully argued for his release.

And in the late 1990s, he teamed up with the late Justice Marcus Kaufman to preserve a \$32-million damages award to developer Talbot Partners in a construction case.

Former state Supreme Court justices Cruz Reynoso and Joseph Grodin also have joined criminal

and civil cases since leaving the bench.

Arabian said he's never encountered a case like this, on or off the bench.

And while it is an issue never before decided, he believes it's important for the high court to tackle it now, rather than wait until the trial is over.

"I think this strikes at the heart of the administration of criminal justice and has to be brought to the attention of the high court," he said.

But Zonen doesn't believe Arabian's status as a former justice will carry any weight with the court.

"I'm not intimidated by it," he said. "[Blatt] can hire any lawyer he wants, it still will not be granted."

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